

**United States
Environmental Protection
Agency**

**EPA Region 3
Philadelphia, PA**



Volume III

----- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:42 PM -----

"rocomendez@hotmail.com" To: R3 Mountaintop@EPA
 <rocomendez cc:
 Subject: Please Stop Destructive Mountaintop Removal Mining
 01/06/2004 02:00 PM

Dear Mr. John Forren, Project Manager,

Please, work to amend the EPA's draft environmental impact statement. We cannot stand by as Bush allows coal companies to effectively destroy the Appalachia community.

We have to make the administration consider better alternatives. Please, do everything you can to amend the draft EIS.

Sincerely,

Ricardo Mendez
 411 N. Fuller Ave.
 Los Angeles, CA 90036-2519
 rocomendez@hotmail.com

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REC'D JAN 26 2004

Tuesday, Jan. 20, 2004

Dear Mr. Forren,

For decades the practice of scraping the tops off mountains in Appalachia to get to the coal seams continues unabated.

Streams are clogged & completely covered over, wildlife habitat is destroyed, and whole communities have been forced to relocate because of these destructive practices.

Please stop abusing the environment with these destructive practices.

Sincerely,

Barbara and Val Menendez
 BARBARA AND VAL MENENDEZ

BARBARA AND VAL MENENDEZ
 15929 PEARSON GROUND ST
 SHERMAN OREGON, OR

1-9

DeliveredDate: 01/06/2004 04:34:55 PM

Mountaintop Removal and Valley Fill mining technique was allowed in SMCRA with a variance from AOC based on the determination that an alternative post-mining land use, a higher and better use, required the valley fill. The law required that permittees prove that the higher use was feasible, compatible with adjacent land uses, demanded by the market, and supported by investment in necessary public facilities, among other requirements. After reading through many Kentucky permits requesting a variance for such higher and better land uses, I can say that overwhelmingly such land uses as proposed did not fulfill the documentation required and were not at all higher and better uses. There is some small percentage of mountaintop removal/valley fill land that can be reclaimed to higher uses, but the vast majority becomes relatively barren and less valuable than the forest and streams that were there before. SMCRA exists because the economic need and profit of one industry, coal, should not compromise the well-being and the economic potential of other industries, or the health and safety of residents, or the health of the environment. Too many costs of coal extraction are externalized to be borne by residents of the areas in which mountaintop removal occurs, and to be borne in the loss of biodiversity, clean water and healthy watersheds. The way the law has been administered and enforced, valley fills have been allowed any time a company wanted one to avoid the cost of AOC or to get at a bit more coal a bit more cheaply. This was not the purpose for which SMCRA was devised. The stream buffer zone required to be observed when mining would not have been instituted had it not been considered important. How ironic to require that mining stay back from a stream but allow a neighboring stream to be buried in overburden. The only way to reduce the environmental impact on watersheds from Mountaintop Removal /Valley Fill mining is to enforce the law as it was written or perhaps even include stiffer restrictions on the practice. The cumulative impact of this unrestrained practice costs far too much in terms of changed drainage patterns and resultant flooding, loss of important headwater habitat, contamination of drinking water wells, and a host of other impacts.

Sincerely,
Zina R. Merkin
120 Victory Ave,
Lexington, KY 40502

Forwarded by David Rider/R3/USEPA/US on 01/08/2004 02:01 PM -----

Mountaintop@EPA
Mining EIS
Jennifer Merrick
<MERRICK@scag.ca.gov>
To: R3
cc:
Subject: Mountaintop
01/06/2004 01:02 PM

13-3-2

Dear Mr. Forren:

The rollback of the 100 foot stream buffer for mining wastes is appalling. In endorsing such practices as the removal of this buffer, the EIS clearly does not support the least environmentally damaging alternative.

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Further, the allowance of larger valley fills is not convincingly justified by economic concerns.

In order to be in compliance with NEPA, the EIS must propose and explore less environmentally damaging alternatives. The draft EIS should be amended to incorporate such alternatives and re-circulated to allow the public the opportunity to review and comment on these other alternatives.

4-2

Thank you for the opportunity to comment.

Jennifer Merrick

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Mr. John Forren, US EPA
1650 Arch Street
Philadelphia, PA 19103

REC'D AUG 26 2003

Mr. Forren,

As a Biology, Wildlife Management and Environmental Earth Science teacher working in the public school systems of several states, for over twenty years I have been teaching students the importance of a sustainable life style. I want them to learn to live within the ecological budget of Earth. The quality of life for the present and future generations depends on keeping the life sustaining diversity of our complex life systems healthy. Although there are some impressive self-maintaining dynamics at work to stabilize these systems, there are limits to their ability to correct for continued stress. The geological record is full of evidence showing sudden drastic upheavals and ecological disasters. We have no valid reason to believe that we humans with our huge powers to alter the climate and ecosystems will not trigger another watershed shift in the world's balance that will result in condition that renders the Earth unsuitable for human life, or that degrades the quality of our existence to a much lower level. It is our duty as the most powerful species to exist on this planet to use our might to protect the integrity of our life support systems for the benefit of all living things, to do anything is the extreme in narrow minded, short sighted self indulgent stupidity.

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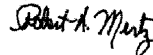
The two sons my wife and I have produced are the most important things in my world. We have done everything to raise them to be strong and healthy. We have tried to equip them to enjoy their lives to the fullest extent while making a substantial contribution to the quality of life of others. They are sons to make us proud. Now it is my job to do my part to see that they, and their future children, and all their children's children have a quality existence as well. The love I feel for my sons demands that I do nothing less than give this effort my full persistent attention. I am asking you to consider, do you have people in your life that mean this much to you? Will you do your part to make sure that all our children will have a future full of interesting creatures, clean water and pure air? Please help me for the sake of all of our children.

Today I am writing to express my concern with the coal mining process known as Mountain Top Removal Mining. With out getting off on the related concerns of acid rain, global warming, and various air and water pollution problems caused by the use of coal for fuel, I will stick to some of the more direct problems of this method. Mountain Top Removal mining replaces highly diverse and productive deciduous forests with poor quality fields of grass and scrubby trees. It buries valuable streams under many feet of mine waste. It is time to end this crude and destructive method of mining, and move to a more sustainable source of energy.

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Sincerely,

Robert A. Mertz



Robert A. Mertz
1205 Mulberry Ridge Road
Spencer W. V. 25276-8561

----- Forwarded by David Rider/R3/USEPA/US on 11/20/2003 04:42 PM -----

"Robert A. Mertz"
<ramertz@access.mo
Mountaintop@EPA
untain.net>
about Mountaintop Removal Mining
11/09/2003 07:12
AM
To: R3
cc:
Subject: Get real

November 09, 2003

John Forren, Environmental Protection Agency
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren,

Our two sons are men now. Trevor the older son works at the small town hardware store in our town where he spends much of his time installing large appliances. In his spare time he uses his considerable mechanical skills to keep his 4-wheel drive truck and ATV working. Justin is going to college in a small but prestigious school near New York City. We could never afford to send him there, but he was given a great financial package at the school. He seems to be enjoying college life in a very positive way. Lacrosse, fencing, theater and studying keep him busy and socially involved with his fellow students. They are both over 6 ft 4 inches tall, athletic, and good-looking too. People say they get their looks and brains from their mother, and their off the wall sense of humor from me. Their peers respect them for their self-confidence and independent nature. They are sons to make any parents proud. Our sons are the most important and joyful part of my life. Although both my wife and I have spent the greater part of our adult lives interacting with young

people as teachers, nothing comes close to the emotional intensity of raising your own children. They are mostly grown and independent of us now, but our commitment to them continues. Today the growth of the human population and the selfish consumerism that is spreading over the Earth is endangering the future of all humans. Will we be able to both save ourselves from self-destruction and maintain our freedom and individuality? I have been teaching students the value of developing a sustainable culture and personal life style for 25 years as a Biology and Environmental Earth Science teacher. I hope that the knowledge I have gained from my masters degree in Biology as well as my extensive reading have been delivered with the passion that I feel for the welfare of our planet. Teaching is a powerful way to have a positive influence on the future, but many issues are too important and too immediate to wait for the future. I am writing today about one of these issues.

I am opposed to each of the alternatives evaluated in your May 29, 2003 draft Environmental Impact Statement (EIS). The draft EIS contains evidence of the devastating and environmental harm caused by mountaintop mining. Other studies also show that mountaintop mining causes flooding disasters in mountain communities. The draft EIS ignores the findings of these studies. The draft EIS does not examine a single alternative that would reduce those impacts.

The "preferred alternative" would increase the damage by eliminating the Surface Mining Control and Reclamation Act's buffer zone rule. We need to stop the use of nationwide permits to approve valley fills in West Virginia that are larger than 250 acres.

I believe the citizens of the region deserve, a full evaluation of the unacceptable impacts of mountaintop mining. Please abandon your "preferred alternative" and start over with a full range of options that will do justice to the

enormous environmental and economic damage caused by mountaintop mining and valley fills.

Thank you,

Sincerely,

Robert A. Mertz
1205 Mulberry Ridge Road
Spencer, WV 25276-8561
USA
ramertz@access.mountain.net

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----- Forwarded by John Forren/R3/USEPA/US on 01/05/04 09:30 PM -----

JimboMes@aol.com

To: John Forren/R3/USEPA/US@EPA
01/05/04 06:43 PM cc:
Subject: mountaintop removal mining

Please stand firm against mountaintop removal mining and mining within 100 feet of streams and rivers. This is so bad for the environment and you are its protector. | 1-9

Stand against this please.

James Mesich
830 43rd St.
Rock Island, IL 61201

----- Forwarded by John Forren/R3/USEPA/US on 01/05/04 09:29 PM -----

Tessbeers@aol.com

To: John Forren/R3/USEPA/US@EPA
01/05/04 06:21 PM cc:
Subject: Mountaintop removal

Dear Mr. Forren:

Please stand firm against Bush's desire to reenact mountaintop removal mining and also mining within 100 feet of rivers and or streams. This is extremely bad for the environment and you are responsible for protecting it. | 1-9

Please do all you can to thwart this effort.

Teresa Mesich
830 43rd St.
Rock Island, Illinois 61201

U.S.E.P.A. (3ES30)
11650 Arch Street
Philadelphia, PA 19103

REC'D JAN 23 2004

January 19, 2004

Mr. John Forren,

This past weekend I attended the Community Farm Alliance Annual meeting. It was inspiring and refreshing to be with people working for sustainable economic development in Kentucky. I feel the opposite emotions when reading the EIS issued on mountaintop removal. As the document itself reveals, this type of mining is blatantly destructive, and has smothered countless Kentucky streams. The recommendations contradict the problems the EIS documents. Mountaintop removal poisons our waterways, ruins the landscape, & harms communities. I oppose alternatives 1, 2, and 3, none of which would protect our water or communities. I oppose any weakening of laws & regulations that protect clean water, especially the proposal to change the stream buffer zone rule that prohibits mining activity within 100 feet of streams. I am appalled that the report allows continued valley fills. We need jobs that don't eliminate the possibility of a future thriving Kentucky. We need regulations that support & represent Kentucky folks - not private interests & big

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REC'D JAN 23 2004

business. Mountaintop removal mining must be ended. Alternative energy sources must be a priority. Alternative sustainable development must be a priority. And our representatives, esp. the EPA, must stand strong against pollution & destruction - against valley fills and Mountaintop Removal!!

Thanks for your time,

Alissa Meyer

Alissa Meyer
353 A Woodland Ave
Lexington KY 40508
almeier2@uky.edu

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 11:36 AM -----

Judy Meyer
<meyer@sparc.ecology.uga.edu> To: R3 Mountaintop@EPA
cc:
Subject: comment on Draft EIS
01/05/2004 03:31
PM

Mr. John Forren
US EPA (3EA30)
150 Arch St.
Philadelphia PA 19103

Dear Mr. Forren,

I am an aquatic scientist who has studied rivers and streams in the Appalachians for three decades. I am very concerned about the manner in which scientific information was incorporated into the Draft Environmental Impact Assessment for Mountaintop Mining/Valley Fills in Appalachia, and I do not think the best action alternative was considered or selected. Specific comments on the draft EIS follow:

1. The purpose of the Clean Water Act is to protect and restore the physical, chemical and biological integrity of our Nation's waters. Mountaintop mining impairs the physical, chemical and biological integrity of Appalachian streams. The scientific studies done as part of this EIS have clearly demonstrated that; yet the results of these studies are buried in appendices and their conclusions are inadequately and inaccurately conveyed in the draft EIS. I was particularly concerned by the statement

in the Executive Summary that the "opinions and views" of the authors of the technical studies "do not necessarily reflect the position or view of the agencies preparing this EIS." The authors of the technical studies did not have "opinions and views." What they wrote was the result of analyses of scientific data. The quoted statement implies a subjectivity in data analysis that is an insult to the authors of those technical studies. These results cannot be simply rejected (or downplayed and ignored as has been done in much of the EIS) as different "views." The authors have presented logical reasons for their conclusions based on data. In contrast, the agencies have not presented the scientific results or logical arguments that support their "views" (i.e. their choice of the preferred alternative). The Executive Summary misrepresents the results of many of these technical studies. For example:

a. ES-3: The forest regrowth studies by Handel and others show little if any forest regrowth on reclaimed mine sites. It will take centuries for these forests to recover. That fact is not adequately represented by the statement that "natural succession ... was slowed." In addition the fact that "better reclamation techniques ... are being promoted" is fine, but no evidence has been presented that (1) these reclamation techniques result in healthy native forests in a reasonable period of time or (2) that mining operations are required to actually use them.

b. ES-3: The assessment of length of stream impacted by mining activities is a gross underestimate. This estimate is based on analyses of topographic maps, which even at the 1:24,000 scale vastly underestimate the length of small streams. Nowhere in this EIS has there been an adequate assessment of the actual length of stream miles potentially impacted.

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This is a serious shortcoming. Studies done elsewhere in the Appalachians have shown that only 21% of actual stream miles were indicated on 1:24,000 scale maps. A similar analysis should have been done to determine the potential extent of impact of mountaintop mining in the region. The EIS is incomplete without this. Yet studies that have been done as part of the EIS provide a way to do this. Intermittent and perennial streams begin in watersheds with a median size of 14 and 41 acres respectively. It is a relatively straightforward GIS task to use DEMS to divide the area into watersheds and use those minimum watershed areas to set where streams begin and to assess the length of stream potentially impacted by the proposed activities. This would be a much better assessment than that based on 1:24,000 maps.

c. ES-4: The statement that mining is "characterized by an increase in minerals in the water" is a gross misrepresentation of the data presented. Sulfate concentrations are 41 times greater on mined sites; total dissolved solids are 16 times greater; conductivity is at least 5 times greater; and selenium is over 7 times greater. Moreover the median value of selenium is more than twice the EPA safe drinking water standard, and 66 violations of drinking water standards for selenium were found below valley fill sites. These are very significant impacts on the chemical integrity of our Nation's waters that have not been adequately addressed in the EIS. These kinds of changes impair biological integrity of the waters as well as pose threats to human health.

d. ES-4: No mention is made of the results of the study "A Survey of Eight

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Major Aquatic Insect Orders Associated with Small Headwater Streams Subject to Valley Fills from Mountaintop Mining" in Appendix D, Part 2. This study clearly showed that there is a diverse aquatic insect fauna associated with the small headwater streams that are being lost as a result of mountaintop mining.

e. ES-4: The statement that "questions still remain regarding the correlation of impacts..." is a misrepresentation of the information in the technical study. Fulk et al. show that streams below valley fills have consistently lower measures of biotic integrity, fewer taxa, and fewer pollution-sensitive taxa. Only one mined basin had sites with good biological integrity, and that was during one season in the middle of a drought. The manner in which these data are summarized here implies less certainty in the impacts of mountaintop mining than is justified by the data presented. The data demonstrate clearly that there is an impact of mountaintop mining on the biological integrity of our Nation's waters.

f. ES-4: The statements on the impact of valley fills on hydrology of streams (e.g. changes in baseflow and storm responses) are misleading. The fact that streams below valley fills have higher runoff during large rainfall events means that these streams are more prone to flooding. The hydrology studies show that the increase in storm runoff resulting from mining is greatest in the largest mined catchment and least in the smallest mined catchment. That says that flooding and the public safety consequences of flooding are of great concern in areas subjected to mountaintop mining; it also says that if larger areas are mined, the impacts of flooding will be greater than if smaller areas are mined. Both of these are extremely relevant points to incorporate in EIS analyses. That has not been done in this draft. Mountaintop mining impairs the physical integrity of our Nation's waters; this fact has not been adequately conveyed in the draft EIS.

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g. ES-4: My comments 1 c and f when combined make an additional point that should have been considered in the EIS but was not. Given much higher concentrations of chemicals (some of which can be toxic, like selenium) and higher storm discharges leaving valley fills, that means that downstream areas will be subjected to much higher loading (the product of concentration times discharge) of chemicals. This is of great concern and the EIS should be looking for alternatives that minimize this downstream loading.

h. Small headwater streams provide many valuable ecosystem services, all of which are lost when they are buried by mountaintop mining. One such service is removal of nutrients, which small streams do particularly well, as shown in studies published in both Nature and Science. This was not acknowledged in the draft EIS.

These numerous examples of misrepresentation of findings of the technical studies and lack of incorporation of information from the published scientific literature in the draft EIS are cause for great concern about the way in which science was used to evaluate the environmental impact of the alternatives.

2. The purpose of the EIS is to develop agency policies and procedures to minimize the adverse environmental effects of mountaintop mining operations. The alternatives should have been judged based on that. Based on what is written about why the preferred alternative was selected ("because of the improved efficiency, collaboration, division of labor, benefits to the public and applicants and the recognition that some proposals will likely be suited for IPs, and others best processed as NWP21"), it is clear that the criterion of minimizing environmental impact was NOT the basis on which the alternative was chosen. That is not how the

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law says this should be done! I see little environmental benefit in the alternative chosen. There is no way these projects should be permitted under a nationwide permit. That type of a permit is only supposed to be used if there is no cumulative impact of the activities. That is clearly not the case here. As has been clearly demonstrated in the technical studies included with this EIS, there is measurable cumulative impact of mountaintop mining. Even the gross underestimate of the miles of streams buried by this practice demonstrates the magnitude of this cumulative impact. And the impact is permanent. Once these streams are buried, they are gone. The magnitude and permanence of this impact makes it essential that individual permits be required for each mine. If this requires that more individuals be hired by the regulatory agency to do these studies and evaluations, then increase the permit fees to cover the cost of hiring the additional personnel. These streams are a valuable public resource that the mining operation is eliminating forever.

3. Alternative 1 seems more protective of the environment than either alternatives 2 or 3 or no action. However, even Action Alternative 1, in which all operations would require individual permits, seems to be insufficient reduction of the environmental impacts of mountaintop mining, primarily because so many of the critical details are left unspecified. For example, mitigation is proposed to replace aquatic functions that have been destroyed. It is not clear that this has ever been done in any stream mitigation project. Why was not one of the alternatives considered one in which streams are permanently set aside in conservation easements? Protect the functioning aquatic ecosystems that remain rather than trying to recreate those ecosystems, which has proven to be an elusive goal. Development of BMPs offers little environmental benefit unless those

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BMPs are enforced. Without the requirement for use of effective BMPs, this alternative will offer little environmental benefit. Merely "improving data collection, sharing, and analysis" will do little to benefit the environment unless there are strict requirements for the reporting of the information collected. What questions are the data collection and analysis designed to address? Who will do the analysis? What reporting deadlines and reviews will be required? I am particularly concerned about the lack of specificity on the types of biological analyses that will be required of individual permits and of the analyses of ecosystem function that will be required in individual permits. Both biota and ecosystem function are impacted by mountaintop mining; it is critical that the permitting activities adequately assess those losses so that the true costs of mountaintop mining can be determined and adequate compensation provided to the public for their losses. The EIS places much weight on development of functional assessments by the COE, but at present these are just promises. It is not at all clear how these would be done; and if they are not done correctly, then appropriate permitting and mitigation decisions cannot be made.

4. The technical studies show that larger mining operations have greater environmental impact. Clearly one alternative considered should have been to limit the size of these operations.

5. Designation of areas unsuitable for fill (ADID) is an important activity. There is no way to judge whether this is going to be done appropriately based on information in this EIS. If done correctly, this could be an important way to protect these resources. If not done well, it

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offers little environmental protection.

6. In general, the proposed alternative offers many promises but inadequate details (e.g. BMPs, ADID, etc. as outlined above) on what is going to be done by whom, when, and what is going to be recommended vs. required.

Overall, I find this draft EIS has serious shortcomings in the manner in which science was reported and used to evaluate alternatives and in the alternatives considered. None of the alternatives considered would adequately reduce the environmental impacts of mountaintop mining. It is essential that an alternative include restrictions on the size of valley fills and include specific statements on how recommendations will be implemented.

Sincerely,

Judith L. Meyer
Distinguished Research Professor of Ecology

Dr. Judy L. Meyer
River Basin Science and Policy Center
Institute of Ecology
University of Georgia
Athens GA 30602-2602

PHONE 706-542-3363
FAX 706-542-3344
meyer@sparc.ecology.uga.edu

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REC'D DEC 29 2003

December 22, 2003

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Re: Mountaintop Mining

Dear Mr. Forren,


I am writing to express my opposition to mountaintop mining for coal, the process of removing mountain and hill tops for strip mining, and depositing the rubble into surrounding streams and valleys.

This process has destroyed over 700 miles of streams in the Appalachian Mountains since 1985, and continues to destroy irreplaceable riparian habitats.

It is wrong to destroy this precious habitat, and to forever deprive future generations of these beautiful places. One aspect of this that is especially troubling: how much energy is produced from the destruction of one of these streams? Is it a few days of energy for a mile or so of stream? Energy that is consumed in relative moments, and a stream that is gone forever.

I urge the EPA not to further weaken environmental protections against this practice of mountaintop mining.

Thank you,


Greg Miles
4800 Park Newport, #101
Newport Beach, CA 92660

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---- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:43 PM ----

Milesnichols@aol.
com

To: R3 Mountaintop@EPA

cc:

01/06/2004 02:48

Subject: Letter of Protest, Draft EIS:
Mountaintop Mining In Appalachia
PM

To: U.S. Environmental Protection Agency, Region 3, Philadelphia, PA

From: C. Sue Miles, Ph.D., Morgantown, WV 26508

Re: Public Comment: Letter of Protest, Draft EIS: Mountaintop Mining In
Appalachia.

There are three particularly significant long-range issues influencing the overall energy-environmental-economic status of the United States, as well as all the other countries on earth.

1. Natural resources are being depleted at an alarming rate relative to the age of the earth, and relative to the long-term future of man-kind on earth. The rate of utilization of coal needs to be brought under some control relative to potential for serving mankind for hundreds of generations into the future. As a long term supporter for the reality and work of the EIS I must implore you not to be led astray from original commitment and to present this issue and point in the direction of progress.

2. Pollutants such as sulfur oxides, nitrogen oxides, and especially ozone (formed from these previous two pollutants) are accumulating in the earth's atmosphere at an incredibly high rate. Many areas of the United States, for example, are under ozone monitoring with health effects on humans and animals already recognizable. Further, the microscopic particulates spread over large areas are carrying adsorbed hazardous cancer-causing pollutants such as polynuclear aromatic hydrocarbons and trace elements including mercury, arsenic, cadmium, manganese, selenium, et.al. in highly activated forms. The EIS needs to present these issues and indicate some of the directions for resolution.

3. Global warming is occurring on earth at an alarming rate, as evidenced by recent studies reported in the United States, Europe, Japan and other countries. Greenhouse gases are without question a major contributor, if not the primary cause. These gases are the carbon dioxide, methane and other gases inadvertently released to the

atmosphere as a result of fossil energy usage. The earth's average surface temperature is increasing, the polar ice caps are melting, the ocean levels are rising, and weather conditions around the world are being affected. These environmental impacts result from coal use, among other fossil fuels. The EIS needs to present the global warming problem with its impacts and indicate alternatives for resolution within the context of our current energy and environment policies.

The above issues are fundamental, profound, current, and relevant to every region of the United States. Only if we address these issues at every level of government, the private sector, and the non-profit and volunteer services can we reduce the large impacts likely to occur in the long-term, if not the short-term, future. Each of us as citizens and inhabitants of this Earth have a responsibility to help.

Respectfully submitted,

C. Sue Miles, Ph.D.

REC'D AUG 04 2003

Att. John Farren

August 1st, 2003

In continuation of Leon Miller speaking at the EIS hearing, July 24th Charleston Civic Center, I would like to further explain. Our home place, which is known as the Candell Home place is located on upper Mud River Rd. Lincoln Co. in the center of Ash Coal, Hobet 21 Working Area. We have put up with main, dust that you would not believe, at many times, smoke & dust from the blast would darken the road.

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Our home place, where we were born and raised was his ship property, My Dad had rights given to him by his mother to live there as long as he lived which he did raising his children, he died 1997. Since the property was his ship, the Ash Coal Co. bought some of them out, by harassment and saying that if they didn't sell, the property would be auctioned off at the Lincoln Co. Court house in 3 days, not being lawyers, they didn't know, that the Ash Coal Co. had to go through procedure.

11-3-2

Seven of us would not sell. Ash Coal brought a partition suit against us.

After spending a lot of money, surveyors, mining engineers, Lawyers, The Lincoln Co. Judge Hake ruled for Ash Coal Co.

January, 2003 they auctioned it off and of course the Ash Coal Co. got it.

We appealed, as of now, it has been filed with the Supreme Court, haven't heard whether they will take it or not. The home place

have been in our family for around
one hundred years. We do not live
there, but we spend many days a
week there, raising our gardens doing
canning and keeping it mowed and
looking nice. It's a place for our
family reunions a gathering place
for our families.

My Dad was a coal miner, he was
completely blinded in a coal mining
accident, in compensation he received
34.00 per month to raise 10 kids and
my Dad, Mom and us kids had to work
hard for that place, and we sure would
like to keep it.

We feel that EPA has not helped
us in any way.

Leon and Luella Miller
256 Cedar Lakes Dr.
Pipley WV 25271

phone 304-372-9224

DeliveredDate: 01/21/2004 02:44:09 PM

Mr John Forren,

I live in Prestonsburg, KY, born & raised there. I serve on our
local Tourism Board. I serve on one of the boards of our Big Sandy
Community & Technical College. My wife & I have three grown children & two
grandkids, all living in the Coalfields. From our prospective as
residents, homeowners, parents, business folks & concerned citizens about
the future of this region, we write to show our support for Mountain Top
Mining. Locally, our newest tourist attraction is the beautiful Stonecrest
Golf Course. This course was identified as the post mining land use as part
of the approved mining plan, with most of the major landscaping done by the
mining company as part of their reclamation. On the economic front, our
newest major employer to the area is the Big Sandy Federal Prison, also
made possible by flat land created by mountain top mining. This facility
has created some 400 jobs in an area of our state with one of the highest
unemployment ratios. As a result, many new families have relocated to this
area, boosting sales of new & existing homes, several of which have been
built on reclaimed mine land. These are only a few of the many positive
examples of post mining land uses in our region.

Coal is a precious resource, Mountain Top Mining is the most
efficient method of mining, it's the only method that allows for removal
of the entire coal seam. Today's mining companies are responsibly run
operations, that not only comply with laws written to protect our natural
resources, but our residents & communities as well. Let's continue to mine
responsibly by proven methods including Mountain Top Removal.

Thanks for allowing comments on this most important issue.

Sincerely,

Mark E. Miller

Mark E. Miller
635 University Drive
Prestonsburg, KY 41653

1-11

10-3-2

REC'D AUG 2

Mary Miller
P O Box 124
Sylvester, W. V. 25193

Mr. John Forren, US-EPA
1650 Arch St.
Philadelphia, Pa. 19130

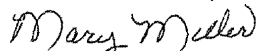
RE: Opposing Mountaintop Removal Mining
Mr. Forren,

Mountaintop Removal Mining of coal today is massive Ruination not only to the beautiful Appalachian Mountains of West Virginia but to every creature whose existence depends on these mountains for survival, and to the Citizens who live in them.

It is polluting our air, contaminating our Streams and Rivers, flooding our properties, threatening our health exposing us to harmful chemicals, threatens our very life.

There is no justification for the damage to our environment and the Citizens of West Virginia.

Sincerely,



Mary Miller
Ph: (304) 854-1780

1-9

REC'D DEC 29 2003

Mountaintop Removal Coal Mining EIS

Utilities burn coal to produce electricity. The smoke from that coal burning goes up the smoke stack and heads downwind. The sulfur in that smoke combines with water vapor in the atmosphere to produce sulphuric acid. That sulphuric acid lands on crops, buildings, on animals and in lakes and rivers.

When sulphuric acid rain lands on cropland, it leaches out micronutrients in the soil. The soil starts to lose its ability to produce food that is high in minerals and vitamins. The process is very gradual, one year to the next, so it is very hard to notice. Over time, the ability of our nation to produce nutritious food is being lost.

When sulphuric acid lands on forests, it not only leaches out minerals in the soil, it also weakens the trees by acid breakdown of the cellulose fibers. The trees are gradually less able to get the minerals out of the soil that they need and at the same time the trees are getting structurally weaker. Weaker trees means weaker lumber from those trees means American homes that are not as strong as they used to be. Have you bought a good strong southern pine two by four at the lumberyard recently? They all break easily like toothpicks.

When sulphuric acid lands on buildings it gradually wears them down. The amount of roofing that needs to be replaced each year is much higher than it should be, due to acid rain wearing down roofing materials. This is a multi-billion dollar consequence of coal burning.

When sulphuric acid lands in lakes it acidifies the whole lake. The shells of fish eggs are eaten through and die. If the lake gets too acidic, the whole lake eco-system dies. Thousands of lakes in our country have already been lost.

When coal is burned, a small part of the exhaust is mercury. Burning coal accounts for more than half of all mercury that is entering our environment. Like the sulphuric acid, this mercury can land anywhere, lakes, rivers, roofs, lawns, gardens, croplands and oceans. One recently noticed result of this is high levels of mercury in fish. Pregnant women have been told to avoid eating too much of some kinds of fish.

If people and animals have too much mercury in their bodies, there is loss of intelligence, and deformities in offspring. Thousands of dead and deformed babies are being born every year in our country, because we are putting too much mercury in our environment. The burning of coal thus allows the random murder and maiming of Americans. Do I have to mention that every species, deer, bear, fish and others, are also having the same problems with mercury that we are.

Coal also has minute quantities of radioactive uranium in it. That too is being spread around our country indiscriminately.

Finally, we get to the actual mining of the coal. Here we have a 5500 page document that describes how our government is going to give permission to industry to chop off the tops of mountains, dump the overburden into valleys, just so they can mine the coal under those mountains more efficiently. More efficient meaning the coal companies can mine more coal, with fewer miners and make more profit than before.

I have been asked to comment on this by a few fellow West Virginians.

Industry wants mountaintop removal coal mining because it is cheaper. If a miner can mine coal cheaper than his rivals, then he can increase profits and market share. Thus, when a few operators started doing this a while back, all the others had to follow, or be put out of business. The result is that coal is cheaper than it used to be.

Cheaper coal means cheaper energy produced by that coal. Hooray for energy consumers, cheaper energy. However, other sources of energy now have a harder time competing. I have experienced this first-hand. I went to six large coal-burning utilities; Duke Energy, Southern Company, Constellation Energy, Dominion Resources, Exelon Corporation and Progress Energy and I asked them to invest in solar and wind powered energy at a steady rate over the next twenty years. My proposal was presented as a stockholder action that all the stockholders voted on in 2001 and 2002. Their response was that wind and solar power are too expensive. Despite the fact that there is no need to buy fuel for wind and solar power, those sources still can't compete against coal. Coal powered energy is so cheap that others just can't compete with it.

Coal would not be so cheap if coal had to pay for acid rain, mercury emissions, small particulates emissions and carbon dioxide emissions. But they don't, so cleaner sources of energy are being kept off the market, because coal burning is just too darned cheap. This EIS even streamlines the permit process so that part will be a little cheaper for the coal companies. They've got a good scam going here.

Now our President, George W. Bush has decided to let 17,000 coal burning power plants off the hook by not requiring them to upgrade their emissions when the upgrade the rest of the plant. They will not be required to retrofit those plants with advanced electrostatic precipitators, lime washes or bag house filters. Instead, America will continue to die a slow death from acid rain, mercury and uranium emissions, particulates and higher than necessary carbon dioxide emissions; for a couple more decades, unless Congress gets some backbone from somewhere.

Meanwhile, in Appalachia, mining companies are jubilant. The options presented in the Mountaintop Removal EIS don't include requiring Approximate Original Contour, nor Stream Buffer Zone, nor any restrictions on depth of valley fill, number of streams buried, nor any other significant change in business as usual. The mining companies are getting everything they want, a legitimate process they can use to fend off citizen complaints and lawsuits. Legitimate in that it is really just legalized theft and murder. The mining companies and their utility company allies have bribed the politicians and thus bought the process.

The MTR-EIS talks about tree planting instead of grassland for reclamation. The soil is gone. Are those mining companies really going to bring in enough soil from somewhere else such that trees will have a chance? There must be enough soil depth, and there must be enough organic material in the soil for water retention. If these companies are forced to do reclamation correctly, then I will applaud. But it will be hugely expensive for them to do this correctly, and I think they will instead cut and run. It is what other companies have done for a long time.

1-5

19-2-2

I have just two other short comments. Twenty years ago President Ronald Reagan decreed that all actions such as these have cost benefit analysis done to justify them. I would ask that if ya'll are obeying the law and following the rules, that when you do that Cost Benefit Analysis, please include acid rain, mercury contamination of the whole country, global warming from the carbon dioxide emissions, a couple hundred thousand kids with asthma from particulate emissions, loss of vitamins and minerals from our food due to acid rain leaching, premature deterioration of every roof and building in the country from acid rain, and the cost of getting rid of the toxic fly ash after coal burning, in your calculations.

My last comment concerns the fact that all these fills are at headwaters. Acid rain from the coal burning will eventually start leaching at the valley fill at the headwaters. Won't this cause the entire river, from headwaters to ocean, to become slightly laced with heavy metals leached from those fills? Is that wise?

Thank you for your time.

Also, just for the record, I am opposed to Mountaintop Removal Mining and do not think it should be permitted under any circumstances. I will vote that way too.

1-9



Robin Mills

Maplerock Box 80, Rio, West Virginia 26755

(304) 496-8624, robiumills4@yahoo.com

REC'D AUG 2 A

REC'D JAN 7 5 2004

305 Ada Dell Avenue
Hurricane, WV 25526
January 1, 2004

John Forren
U. S. Environmental Protection Agency (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren:

It is evident to even the casual observer (airline passengers flying over the area, for example) that mountain top removal causes unimaginable devastation. That fact, coupled with results of your study should convince all that the irreparable harm being perpetuated on our land is intolerable.

The amount of destruction that has already occurred due to failure to enforce the Clean Air Act, the Surface Mining Control and Reclamation Act and the Endangered Species Act is a great tragedy. To now propose to change the rules and legitimize those terrible practices is to encourage even greater destruction of our forests, contamination and silting of our waterways and more hardship for our people.

I am very much opposed to Alternative 1, 2 and 3 as outlined in your EIS report. We desperately need enforcement of the environmental protections legislated by congress over the years - not rules to abolish those protections.

Sincerely,

Phyllis J. Mingo

Phyllis J. Mingo

July 30, 2003

Georgia Miniard
237 Conley Hill
Bledsoe, Kentucky 40810

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

RE: Environmental Impact Statement relative to Mountaintop Mining and Valley Fills in the Appalachia

Dear Mr. Forren,

I would like to submit my comments on the Environmental Impact Statement relative to Mountaintop Mining and Valley Fills in the Appalachia.

I am 45 years old and I have lived in Eastern Kentucky since birth. I admit that we do have a problem with unclean water in some areas. However, this unclean water problem is not caused by the mining industry. This problem is caused by untreated sewage from individual homes being straight piped directly into the streams. In addition to sewage, household garbage of various kinds is also being dumped into the streams. This is easily proven by the trash left behind in trees and on the land anytime we experience flash flooding. Our state and federal governments needs to leave the coal companies be and work on taking care of these problems. We have inadequate roads, sewage and water systems. These inadequacies should have been taken care of years ago. The coal industry has paid enough severance tax from this area that these basic needs should have been accomplished 25 years ago. Where did all of that money go? It has been used in other parts of this state to develop those areas while the Appalachia's have just been forgotten.

I feel like the regulations are already too strict. If we will all take off the blinders and open our eyes and take an honest look maybe we will realize this. In this country in all industries we have slowly but surely regulated our people right out of a way to make a decent living. Due to all of our rules and regulations we have made it impossible for companies to survive the financial burdens we have put upon them. I feel that this is the reason we are seeing so many companies take their business to other countries where they don't have to put up with all of our unreasonable rules and regulations. I realize that the coal can't be mined from another country but that will not stop companies from going to other countries an mining their coal to fill the orders wherever they may be.

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11-2-2

REC'D. AUG 27 2003

What good is all of our rules and regulations if we can't earn a living? The lay of the land in this area is not suitable for building or other industries. Once mountain top removal mining is completed and the land is properly reclaimed it is then suitable for these other uses. Our lack of proper roads, proper public utilities (i.e. sewage, water and garbage service) are the reason we don't have industries in addition to coal mining. Our state government has taken the coal severance tax monies and used it in the northern part of our state instead of using it to see that our roads and public utilities were developed so we could keep up with everyone else. If we make the mining regulations stricter and we loose the mining industry then we have no way to make a living. Minimum wage jobs put your income below the federal poverty level. Without the mining industry that is all we would have left. With the mining jobs our economy is in horrible shape. Where would we be without them? Due to all the rules and regulations the mines have had to cut their work force to a bare minimum. This has strongly affected our economy. Some people can't seem to understand that the more money people earn the more they will spend and the less they earn the less they spend. This directly affects the shape the economy will be in. Without the mining jobs all we would have left in the Appalachia's would be people who are on some kind of fixed income. The people with families would have no other choice but to leave in order to find work. We have already lost a large majority of these people due to the cut backs that have already occurred in the mining industry. When the working people who are raising families start leaving then you loose your tax base that supports your schools as well as other programs. We are seeing schools being closed due to the small tax base and the lack of enough students to warrant them remaining open. So now due to all the rules and regulations put on the mining industry not only the mining industry is suffering now our education systems are also. You see it's a ripple effect. When you take away the good wages you also take away the tax base that supports public programs such as education. Not only the coal miners suffer from it; everyone else suffers right along with them. Students loose their right to a good education. Teachers and school personnel loose their jobs. It just never seems to end! Please leave the coal industry alone so we can continue to earn a living in this area. Please do not sign this draft EIS into law.

Sincerely,

Georgia Miniard

Georgia Miniard

10-3-2

11-4-2

U.S. EPA
1650 Arch Street
Philadelphia, PA 19103

John Forren:

Re: EIS Mountaintop Mining/Valley Fills in Appalachia released by the US Army Corps of Engineers.

I find the long-term protection of our Appalachian Mountains seriously flawed.

One example of why I am concerned: A large number of people in this area of W. Va., including my family, depend on public water systems that use water from the Coal River. I understand that over 200 miles of tributaries of this river have been covered. That means the watershed's ability to deal with heavy rains and long dry periods has been severely compromised.

I do not feel that the recommendations of the Environmental Impact Statement protect us from farther harm.

Sincerely,

Steve Miniger

Steve Miniger

5-4-2

1-5

REC'D JAN 16 2004

January 5, 2004

3357 E. Scarborough Road
Cleveland Heights, Ohio 44118Mr. John Forren
U.S. Environmental Protection Agency
1650 Arch Street Philadelphia, PA 19103

Dear Mr. Forren,

I have spent most of my life in Ohio where coal mining has destroyed the land. I am writing to you to find out why this practice is going to continue in West Virginia even though we know scientifically that we are trading short-term financial gain for a few wealthy coal-mining operators for long-term liability for the communities and citizens who will be affected for generations by bad policy.

The Bush administration's own draft Environmental Impact Statement (EIS) on the impact of mountaintop removal detail the negative long-term impacts of such policy: the long-term negative environmental effects of Mountaintop removal are widespread, devastating, and permanent. Why does the draft EIS propose zero restrictions on the size of valley fills that bury streams nor limits on the number of acres of forest that can be destroyed? Why can't we have detailed restrictions that will protect wildlife and offer long-term protections for the citizens who for generations have depended on the region's natural resources for sustenance?

Weakening existing environmental laws is not a solution for anything. We need to protect current and future generations from senseless environmental loss and destruction. Please find a method that will not harm the economics of a community by reducing the negative environmental impacts of mountaintop removal.

Sincerely,

Carol Mintz

Carol Mintz

REC'D JAN 23 2004

US EPA (3E330)
1650 Arch Street
Philadelphia, PA 19103

Mr. John Forren,

I disagree ^{with} the proposed changes in the SMCRA, eliminating the current buffer zones for valley fills from streambanks, contained in the EIS.

I am an Agricultural Engineering masters student at the University of Kentucky, and therefore have an understanding of the adverse effects that such sediment will have on aquatic life + water quality for many miles of streams in my own state.

I implore that you do not follow the recommendation allowing for such wording that opens the back door for companies to make big money at the expense of land + water quality.

Jonathan Mirgeaux
225 E. Maxwell #1
Lexington, KY 40503

1-10

5-5-2

From: Denver Mitchell
Gen Delivery
Wilkinson, W.Va 25653
946-4019
July, 22, 2003 *Denver Mitchell*

Agencies:

In 1996 we were flooded on Island Creek with the worst flood ever. Several of us citizens have been trying to get our creek dredged from all the garbage, timbering material, mud and rocks, that filled our creek in the flood. No one is doing anything to help us even though we were told they would. I am the son of a deep miner.

Our homes are important to us. Flood insurance is so high we can't afford it. Maybe someone could get their Coal Company friends, to use their huge bulldozers and trucks to remove the flood material and place it on those Mountain Top Removal sites, where some of the material came from in the first place. Just go up Cow Creek and see all the trees being cut down for the new Mountain Top Mine, and I know if we have a heavy rain a lot of this mud and stuff will be back in our streams and will fill them up more. Those who live along the rivers maybe next as the river fills up with this material, because no one is removing it.

I am not against mining, but the way it is mined, I believe as do my neighbors that the coal could be mined in different ways, such as using contour methods which keeps most of the vegetation on the hills and prevents run offs. This would create more jobs, Mountain Top Removal eliminates jobs, because one big machine destroys jobs and creates situations which contributes to flooding.

17-2-2

1-9



August 15, 2003

Denver Mitchell
PO Box 98
Wilkinson, WV 25653

To whom it may concern:

My name is Denver Mitchell and I am writing this letter because I am concerned about how the coal companies are raping our land and tearing up our mountains. I think it is a shame that the people in the valleys aren't fighting against this more. When we went to grade school, we were taught that anytime that you move the vegetation off the mountain tops, it's going to cause flash flooding in the low lands. I cant understand why these people are issuing permits to the big corporations like Massey Energy and not making them take responsibility for our water ways and streams. Sure as I am sitting here, there are going to be lives lost because of mountain top removal. I'm not against a man working but there is a right way and a wrong way of doing things. I hope that the people in the valleys will wake up to what is happening or they may just wake up to realize their families will be floating in the creek with an ocean of water. We know that one big tree will absorb around 50 gallons of water. I hope you read this letter in good faith. Please do not throw it away.

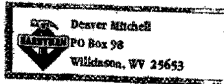
Sincerely,

Denver Mitchell

Denver Mitchell

17-1-2

3-3



B

September 2, 2003

August 15, 2003

Denver Mitchell
PO Box 98
Wilkinson, WV 25653

To whom it may concern:

My name is Denver Mitchell and I am writing this letter because I am concerned about how the coal companies are raping our land and tearing up our mountains. I think it is a shame that the people in the valleys aren't fighting against this more. When we went to grade school, we were taught that anytime that you move the vegetation off the mountain tops, it's going to cause flash flooding in the low lands. I cant understand why these people are issuing permits to the big corporations like Massey Energy and not making them take responsibility for our water ways and streams. Sure as I am sitting here, there are going to be lives lost because of mountain top removal. I'm not against a man working but there is a right way and a wrong way of doing things. I hope that the people in the valleys will wake up to what is happening or they may just wake up to realize their families will be floating in the creek with an ocean of water. We know that one big tree will absorb around 50 gallons of water. I hope you read this letter in good faith. Please do not throw it away.

Sincerely,

Denver Mitchell

Denver Mitchell

Denver Mitchell
P.O. Box 98
Wilkinson, WV 25653

To Concerned Citizens:

This is your friend, Denver Mitchell, in Logan County. You told me to write a little article expressing my opinion about mountain-top removal. My opinion about mountain-top removal. I think it is a dirty shame for the people that live in these valleys and own homes and businesses. I cannot understand why people who live in the State of WV in Logan County are not concerned about their property and their land. If we do not get mountain-top removal changed, they are going to be thousands of lives lost and millions of dollars worth of property damage.

You know that the coal companies do not think about us in the valleys. We know the same is with the timber industry. If we do not take the bull by the horn, now and march against mountain-top removal, we are going to lose everything that we have worked for. We know for ourselves that we were here before Massey Coal Company. Massey Coal does not care about us.

If we want to save lives in the future, we have to get a hold of this problem before it is too late. I see it in my Spirit, oceans of water, coming down in the valleys. Something has to be done, right now. If you want to run this article, you may do so, but we have to work fast on this matter. If we wait any longer, a tragic death is facing the people. We have to try to educate the people that live in the lowland streams.

Thank you very much. May God be with us all.

Yours Truly,

Denver Mitchell
Denver Mitchell

17-1-2

3-3

1-9

HOW TO CONTACT THE OFFICE OF

U.S. SENATOR JAY ROCKEFELLER

DUE TO THE DISCOVERY OF ANTHRAX IN THE HART SENATE OFFICE BUILDING, SENATOR ROCKEFELLER'S WASHINGTON OFFICE IS CLOSED UNTIL FURTHER NOTICE. POSTAL MAIL IS NOT BEING RECEIVED DURING THIS TIME IN THE WASHINGTON OFFICE.

SENATOR ROCKEFELLER'S FOUR WEST VIRGINIA OFFICES REMAIN OPEN, FULLY STAFFED, AND ABLE TO RECEIVE YOUR LETTERS AND PHONE CALLS.

UNTIL THE WASHINGTON OFFICE REOPENS, PLEASE DIRECT ANY INQUIRIES TO THE STATE OFFICE NEAREST YOU:

CHARLESTON

Office of Senator Jay Rockefeller
405 Capitol Street, Suite 308
Charleston, WV 25301
(304) 347-5372

BECKLEY

Office of Senator Jay Rockefeller
207 West Prince Street
Beckley, WV 25801
(304) 253-9704

FAIRMONT

Office of Senator Jay Rockefeller
118 Adams Street, Suite 301
Fairmont, WV 26554
(304) 367-0122

MARTINSBURG

Office of Senator Jay Rockefeller
225 West King Street, Suite 307
Martinsburg, WV 25401
(304) 262-9285

August 15, 2003

Denver Mitchell
PO Box 98
Wilkinson, WV 25653

To whom it may concern:

My name is Denver Mitchell and I am writing this letter because I am concerned about how the coal companies are raping our land and tearing up our mountains. I think it is a shame that the people in the valleys aren't fighting against this more. When we went to grade school, we were taught that anytime that you move the vegetation off the mountain tops, it's going to cause flash flooding in the low lands. I cant understand why these people are issuing permits to the big corporations like Massey Energy and not making them take responsibility for our water ways and streams. Sure as I am sitting here, there are going to be lives lost because of mountain top removal. I'm not against a man working but there is a right way and a wrong way of doing things. I hope that the people in the valleys will wake up to what is happening or they may just wake up to realize their families will be floating in the creek with an ocean of water. We know that one big tree will absorb around 50 gallons of water. I hope you read this letter in good faith. Please do not throw it away.

Sincerely,

Denver Mitchell

Denver Mitchell

West Virginia

REC'D SEP 05 2003

September 2, 2003



Cecil H. Underwood
Governor
Began Service 1957; 1961; 1997
Born 11/05/22
Home Huntington
Education Salem Col BA; West Virginia MA
Profession Educator; Developer
Religion Methodist

Government Information

Present Constitution adopted April 9, 1872
Governor Term 4 years
Legislature 34 member Senate; 100 member House of Delegates;
Term - Senate 4 years; House 2 years
Next Election Governor November 2000; Legislature November 1998
Electoral Votes 5 U.S. Congress; 2 Senators; 3 Representatives

Governor's Office

State Capitol Building, Charleston, WV 25305
Gen. Info.: (304) 558-2000 Fax: (304) 558-0025
TTY: (304) 342-7386 E-Mail: underwood@state.wv.us
Internet: <http://www.state.wv.us>

(Area Code 304)

* Governor Cecil H. Underwood (R) 558-3000
Edon Salem Col BA; West Virginia MA
Secretary Nina Upton 558-3701
Chief of Staff William "Bill" Phillips, Jr. 558-4392
Executive Assistant/Scheduler Nancy Hobbs 558-0024
General Counsel Patrick Kelly 558-3824
Administration Assistant John B. Rader 558-1489
Communications Assistant Daniel Page 558-6343
Policy & Legislative Affairs Assistant Michael D. Grisar 558-3793

Secretary of State's Office

State Capitol Complex, Bldg. 1, Ste. 157K, 1900 Kanawha Blvd.
Charleston, WV 25305-0770
Fax: (304) 558-0900 E-Mail: wvssos@secretary.state.wv.us

* Secretary of State Ken Hochler (D) 558-6000
Edon Swarthmore 1931 AB; Columbia 1940 PhD
Executive Assistant Cindy Perotte 558-6000
Deputy Secretary of State Jan Casteo 558-6000
Deputy Secretary of State Mary Ratliff 558-6000
Public Works Board Div. Spce. Asst. Missy Phalen 558-6000
Chief of Staff William H. Harrington 558-6000
Administrative Law Div. Dir. Judy Cooper 558-6000
Corporations Div. Supvr. Penney Barker 558-6000
Process Div. Supvr. Vicki Haught 558-6000

* Elected 1997-2000 * Appointed by Governor * Appointed by Legislature * Appointed by Board of Commissioners * Appointed by State Governor's Court

Uniform Commercial Code Div. Supvr. Mary Strobel 558-6000
Notary Public Div. Clerk Vicki Hatfield 558-6000

Attorney General's Office

State Capitol, Rm. 26-E, Charleston, WV 25305-0220
Gen. Info.: (304) 558-2021 Fax: (304) 558-0140

* Attorney General Darrell V. McGraw, Jr. (D) 558-2021
Managing Deputy Attorney General William S. Steele 558-2021
Managing Deputy Attorney General Siles B. Taylor 558-2021
Administration & Public Safety Div. Sr. Dep. Atty. Gen. 558-2021
Donald L. Darling 558-2021
Appellate Div. Dep. Atty. Gen. Dawn E. Warfield 558-2021
Consumer Protection Div. Atty. Gen. Jill L. Miles 558-4986
Civil Rights Div. Dep. Atty. Gen. Mary Kay Buchaneller 558-4546
Health & Human Resources Div. Dep. Atty. Gen. 558-2131
Charlene Vaughan 558-2131
Tax, Revenue, Education, Arts & Tourism, Sr. Dep. Atty. Gen. 558-2526
Katherine A. Schultz 558-2526
Workers' Compensation Litigation Unit Dep. Atty. Gen. 558-2526
C. Terry Owen 558-2526

State Treasurer's Office

State Capitol Bldg., Ste. E-145, Charleston, WV 25305
Fax: (304) 346-6602 TTY: (800) 422-7498

* State Treasurer John Pardue (D) 558-5000
Assistant State Treasurer Jerry Simpson 558-5000

Auditor's Office

W-100 State Capitol Bldg., Charleston, WV 25305
Gen. Info.: (304) 558-2251 Fax: (304) 558-5200
E-Mail: auditor@wvauditor.com
Internet: <http://www.wvauditor.com>

* State Auditor Glen B. Galtier III (D) 558-2251
Chief of Staff R. Anna Guyer 558-2251
Chief Clerk Paul Mollahan 558-2251
Accounting Managing Dir. Mike Hutchinson 558-2251
Auditing Managing Dir. Connie S. Rockhold 558-2261
County Collections Managing Dir. Russell Relyson 558-2262
Information Services Managing Dir. Robin Brumfield 558-2332
Securities Div. Dep. Comm'r 558-2237
Barbara Harmon-Schamberger 558-2237
Operations Manager Carolyn Farris 558-2232
Public Utilities Manager Jim Little 558-2235
Systems Manager Rick Woodell 558-2332
Bid Observer (Vacant) 558-2261

Denver Mitchell
P.O. Box 98
Wilkinson, WV 25653

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You know that the coal companies do not think about us in the valleys. We know the same is with the timber industry. If we do not take the bull by the horn, now and march against mountain-top removal, we are going to lose everything that we have worked for. We know for ourselves that we were here before Massey Coal Company. Massey Coal does not care about us.

If we want to save lives in the future, we have to get a hold of this problem before it is too late. I see it in my Spirit, oceans of water, coming down in the valleys. Something has to be done, right now. If you want to run this article, you may do so, but we have to work fast on this matter. If we wait any longer, a tragic death is facing the people. We have to try to educate the people that live in the lowland streams.

Thank you very much. May God be with us all.

Yours Truly,

Denver Mitchell
Denver Mitchell

1-9

From: Denver Mitchell
Box 98
Wilkinson, W.V 25653
946-4019

Denver Mitchell

To Whom It May Concern:

My name is Denver Mitchell, I am writing about Mountain Top Removal, because I'm concerned about the danger that faces us all in the future. If we do not get this Mountain Top Removal stopped from raping our land and tearing down our trees, the people who live in the valleys are going to suffer great property and loss of lives. I am not against a man working for a living, but there are other ways to mine coal and keep our trees, a right and wrong way. I can't understand how our Senators and Governors can issue permits to these big corporations and not make them take responsibility for our creeks and rivers. Sure as I am sitting here there is going to be oceans of water and mud flowing through these valleys. I have warned you of the danger that is coming in the future. Mark this down. The huge corporations are going to try say that it is an act of God, when it happens. We all know that it will be an act of Man, when it happens, and it will happen. Now Bradshall hollow on Whitman Creek is next for this Mountain Top Removal. I encourage everyone to wake up out of their sleep and realize what is facing them. We might wake up some night, like we on Main Island Creek did in 1996, but worse than then and find people, children and parents floating down these hollows.

I believe God has given me this message to warn you of the danger that is coming. There is better way to mine coal, than Mountain Top Removal and create many more and better jobs. I urge you to wake-up, before it is too late. May God be with us all.

1-9

Almost level...West Virginia P Mountain Top Removal!

OHVEC (304) 522-0246 WWW.OHVEC.ORG

REC'D OCT 0 9

REC'D OCT 2 1 2003

OCTOBER 15, 2003

From: Denver Mitchell
Wilkinson, W.Va 25653
Telephone 946-4019

To whom it may concern:

My name is Denver Mitchell. I'm writing this letter to you about the concern for the lives of the people who live in West Virginia. The sludge ponds and dams that the coal companies are building in West Virginia will not hold under the materials of the rock and slate that they are building them out of. They will deteriorate and we know that the only way to build dams is to use concrete and steel. If these materials aren't used in building these dams, then they will fail. I'm afraid we will lose many lives in the future and millions of dollars in property damage, just like the Buffalo Creek Flood. This is my vision of what I see coming in the future. We all know you can't take vegetation off the mountain tops and build dams in the hollows out of slate, and expect these dams to hold back water.

I'm not against any man working, but there is a right way and a wrong way I believe. This is the wrong way, and this is a very dangerous thing that is about to happen. Lives of people in the valleys are important.

17-2-2

Denver Mitchell
P.O. Box 98
Wilkinson, WV 25653

Dear Sir,

My name is Denver Mitchell. I'm writing you this letter to let you know what is going on in the coalfield in WV. The coal industry is ripping and raping our land and not taking any responsibility for our water ways. I think it is a shame and disgrace to the people that live in the low land streams. I feel that they are going to be many lives lost and millions of dollars worth of property damage on account of mountain top removal adding to the danger that the coal companies are doing. They are building dams and slush ponds out of rock and slate. We all know that these dams will deteriorate over the years and will not hold the water. I'm not against any man working. But there is a right way and a wrong way to do anything. That is why I'm writing you this letter. I'm asking you for some type of donation to help educate the people in the valleys. I can't understand why our senators and governors and our judges so easily issue permits to these big corporations. I see a vision of what is coming upon the people in WV. That's why we the people have to start doing something now, before it's too late.

That is why I'm asking you for some type of donation. That I might help educate the people that live in the low land streams. I am a person that is on a little monthly Social Security check. I am a member of the Environmental group. I'm asking you to read this in good faith. As I said, I'm not against any man working.

Anytime you remove vegetation from the mountain tops, it'll cause flash flooding. If these big coal companies want to mine coal this way, let them take responsibility for our water ways.

In my spirit, I see a vision of what is coming upon the people that live in the low land stream areas. My father worked in the coal mines while he was living and he did work the right way. So I'm asking you to help me get the coal companies to go back to the right way of getting coal. There have been many floods since they started mountain top removal. I'm afraid that if we don't get this changed, there is going to be another Buffalo Creek flood and the coal companies will say it was an act of God. But it will be an act of man. May God have mercy on all of us. Thank you for listening.

Sincerely,

Denver Mitchell

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17-2-2

EIS PUBLIC HEARING STATEMENT

July 22, 2003

Hazard, Kentucky

I would like to thank this Committee for the opportunity to submit comments concerning the Draft Programmatic Environmental Impact Statement. Having worked with, and in, the coal mining community for more than 27 years, I feel I am qualified to speak from an industry standpoint. Though I work for an underground mining operation at this point, my career has included designing, permitting, and constructing numerous small to large surface mining operations, which include valley or head-of-hollow fills.

The EIS is to address concerns arising from the surface mining of coal. In particular, steep slope mining and the associated valley fills, which makes mining of these areas feasible. Though not specifically addressed in either the "Executive Summary" nor the "Purpose and Need", the recommendations contained in the EIS will affect all forms of coal mining in the Appalachian coalfields, as the development of underground mines, and the need for coal refuse fills, also require fills in valleys or head-of-hollows.

My review of the EIS has resulted in the following statements:

1. No Action:

- a. This is not an alternative. There are adequate regulatory programs and policies in place to address our obligations under SMCRA and the CWA. The coordination between the various Agencies must be improved, with this EIS being an example. The Notice of Intent to develop the EIS was published on February 5, 1999, and we are submitting comments on the DRAFT EIS today, nearly four and one-half years later.

11-8-2

2. Action Alternative I:

- a. Under Action Alternative I, the COB would take the lead in determining the location and size of valley fills, and most projects would require and Individual Permit. The EIS lists in Table II.C-1 under the No Action Plan, that fills in watersheds of less than 250 generally qualify for a NWP 21, which is only the case in West Virginia, as per the agreement reached in Bragg v. Robertson.
- b. The delineation of areas as unsuitable for filling, as described under the Advance Identification (ADID) provisions of Alternative I, could prohibit underground mine development. Underground mines generally require a temporary storage area for the material (overburden) generated during the mine site construction. Should a potential fill area be pre-designated as unsuitable or prohibited for filling under the ADID, an otherwise economically and technically feasible reserve would be sterilized. By the same token, few reserves are marketable today without passing through a preparation plant. The byproducts of coal preparation are not marketable at this time, and must be stored in a stable location. In the Appalachian coalfields, this necessitates in the construction of refuse fills and

1-4

impoundments. The use of ADID tends to ignore the possibility that a stream affected by a temporary fill could be restored to a functional status, with only temporal impacts. Under the NWP 21 or IP process, the temporal impacts must be evaluated, and adequate compensation provided. The use of ADID appears to preclude this avenue.

- c. The requirement for an Individual Permit for all proposed fills will increase the permitting burdens of industry, and tax the capabilities of the regulatory agencies to process the applications in a timely manner.
- d. The use of MOA's and FOP's will result in two separate reviews, and does nothing to relieve the problems of separate reviews that we now find.

3. Action Alternative II:

- a. This alternative eliminates several of the objections of Action Alternative I, though a separate determination for CWA and SMCRA compliance remains, and
- b. The ADID provision remains, the objection to which is stated above.
- c. The Stream Buffer Zone (SBZ) regulations would possibly be modified, disrupting practices and policies that have been accepted by both industry and the regulatory community for more than twenty years.

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4. Action Alternative III:

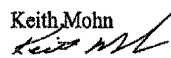
- a. The objections found in the above alternatives are removed, with the exception of the potential SBZ rule modification.

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It should be noted that in this immediate area, some of the benefits of mountaintop removal mining and valley fills are being enjoyed. The area where the Hazard ARH Hospital, the National Guard Armory, a hotel, shopping center and residential area are constructed on a former mine site on which I worked in the 1980's. The Hazard Regional Airport is located on another former mine site. Elk was first reintroduced to eastern Kentucky on a former mine site.

10-3-5

Elimination of mountaintop removal mining and the valley fills associated with them will satisfy a small core of society, most of whom do not even reside in the affected areas. Apparently, their goals do not include providing employment in the Appalachian coalfields, other than minimum wage eco-tourism jobs, nor do they consider the beneficial collateral effects enjoyed by others. We hear that the coal can be mined by other methods, such as underground mining, but if an operation cannot be cost competitive, it will not succeed. Coal production will continue to shift to the western coalfields, and the economic gains of the east will cease if we ban mountaintop removal and valley or head-of-hollow fills. Once lost, we may never regain the economic strength we now enjoy.

Keith Mohn

 PO Drawer C
 St. Charles, Virginia 24282



Mr. Wm A. Montgomery
66 Gorman Ln. # B.
Cincinnati, OH 45215-3626

REC'D DEC 24 2003

Dec 15, 2003

John Ferren
U.S. Environmental Protection Agency (3 EA 30)

I want to comment on your disgusting EIS about mountaintop removal in West Virginia, Kentucky, or any place else. Since your professionalism and objectivity has gone out the window, you and your underlings must be loyal political stooges -- looking to be rewarded by receiving positions with mining companies or other good spots in the Republican hierarchy. You're certainly an enemy of the environment (a reputation you can't live down) who seeks to ingratiate himself to "King Coal" in the most intimate degree imaginable. They own your soul!

The Bush Administration has become notorious for weakening environmental regulations and legislation in everything they touch. Your boys are certainly marching in lockstep with such dictates. Maybe that's just your way of being a good Republican.

Yours,
Wm A. Montgomery

----- Forwarded by David Rider/R3/USEPA/US on 01/23/2004 09:42 AM -----

"Mooney, John"
<jmooney@wpplp.co To: R3 Mountaintop@EPA
m> cc:
Subject: COMMENTS
01/21/2004 07:27
PM

Dear Sir:

I strongly suspect that more forested land exists today in Appalachia than existed here a century ago. Only a small percentage of forested property is impacted by mountaintop mining. Mining is already heavily regulated and has in-place specific laws, which directly address mountaintop mining. I am in favor of ALTERNATIVE III, as outlined in the EIS.

1-4

John H. Mooney
VP and Regional Manager
ph 304-522-5757 or 276-679-7530
fax 304-522-5401

1-10

1018 Celia Ln
Lexington, Ky 40504
11/19/04

REC'D JAN 23 2004

John Torren
US EPA (3ES30)
1650 Arch St.
Philadelphia, PA 19103

Dear Mr. Torren:
I am in the eighth decade of my
life. Approximately $\frac{1}{3}$ of my income
is the result of my family's in-
volvement in the coal industry in
Ky., VA, & W. VA. I do now live in
Lexington, my husband (deceased)
and I grew up at the foot of
the great Black Mt. in Va. I think
the above information is import-
ant to what follows:

1. I am absolutely OPPOSED to any
degree of "mountain top removal"
for ANY purpose. I understand
the impact on the coal industry
and on my pocket book.

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2. To my home area alone, I have
caused untold damage to the
environment including
flooding, a decrease in water
quality, a terrible blight
on the beauty of the area.

3. In Ky, an additional damage
has been from sludge pond
leakage into streams that
supply fish and drinking
water. The cost of an in-
complete clean-up has
been huge. Even the
slate dumps can explode,
they are not half so damaging
to the environment. I know
of which I speak. My own
father came within seconds
of being killed by one such
explosion.

5-1-2

I shall appreciate anything
you can do to stop the
atrocities of mountain top removal.
Sincerely,
Maryhea Mullins Morelock

1-9

Forwarded by David Rider/R3/USEPA/US on 01/06/2004 03:55 PM -----

Grey
<greybarr@yahoo.com> To: R3 Mountaintop@EPA
cc:
Subject: Mountaintop Removal
11/06/2003 07:14
PM

To Whom it May Concern,

I felt a need to add my story and brief thoughts on Mountaintop Removal. Below are some of my personal encounters regarding this topic.

I lived my first 23 years in Southern West Virginia. As a child, I played hide-and-seek in the rich forrests near my home, learned to drive on a winding dirt road amid the moutains, and went to college in the morning shadows of these magestic figures that symbolize West Virginia. Flying away from the countryside, I looked down from the plane and felt my heart sink as I saw what was happening to the moutains all around my home. Large patches of bare earth where ancient trees were once rooted are being swallowed up, evermore, in every flight I take back home. What can I do? I went to a coal site in (Lewis County, WV) where the workmen stated appeasingly that they replant new trees as the law dictates. However I soon found, by the admittance of these workmen at the site, that these "generic" saplings will only grow 4-feet tall--yet fit the loop-holed requirements of state law. If by telling my perspective on Moutaintop Removal will make make the smallest difference in changing this practice, then I will feel more relieved as I fly once more to forever my home.

Thank you for you time. Reply to this email is not required.

B. Morgan
A Concerned West Virginian

12/24/03

I am an attorney in Danville, Kentucky who has been involved with mining issues since 1974. I have worked in the courts, on Capital Hill and in many towns in Eastern Kentucky and West Virginia to ensure that SMCRA was enacted in 1977 and that it is enforced since then. In the past I could count on both EPA and OSM to assist in this effort to enforce the law and to protect environmental resources. Numerous federal studies have consistently proven that buffer zones are essential to providing at least minimal protection to water resources from mining pollution. In 1975 and 1976 when we were compromising SMCRA to allow mountain top removal all sides to the debate understood this practice of mountain top removal would be the very rare exception to AOC mining. Instead we find mt. top to now be the industry norm. This is an unforgivable travesty. This practice reflects a lack of will to enforce by both the EPA and OSM. It is time for the federal government to stop the backsliding on this issue. Do not weaken buffer zone protections. Strengthen them! Also, withdraw SMCRA approval of mt top mining. It is appalling obvious that both EPA and OSM are too weak to enforce federal laws so that Congress' original intent that mt. top removal mining would be a rare exception cannot be accomplished due to the current political climate. Thank you for your attention to these matters. Please do your job and stop EPA from being party to the weakening of essential environmental protections.

With kindest regards, Mark Morgan

10-6-2

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J. JEFFREY MORRIS

ATTORNEY AT LAW
12100 WILSHIRE BOULEVARD
SUITE 1225
LOS ANGELES, CA 90025

EMAIL: JEFFREY.MORRIS@VERIZON.NET

DIRECT DIAL NO.
(310) 451-7884

REC'D JAN 23 2004

FACSIMILE
(310) 571-1278

January 19, 2004

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

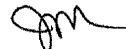
RE: Limit Mountaintop Coal Removal Mining

Dear Mr. Forren:

I am a long time member of the Izaak Walton League of America and keep current on environmental issues. This travesty of use of our natural resources can never be undone. Please think of future generations over the short term use of this fossil fuel. It will be burnt and increase acid rain and forgotten. The devastation left in its wake will remain an ugly scar for all time.

I understand balancing competing needs, but unless there is an absolute need that will be left unfulfilled by the absence of this fuel, please reconsider the EPA's position.

Very Truly Yours,



J. Jeffrey Morris

1-9

April 16, 2004

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

RE: Limit Mountaintop Coal Removal Mining

Dear Mr. Forren:

I am a long time member of the Izaak Walton League of America and keep current on environmental issues. This travesty of use of our natural resources can never be undone. Please think of future generations over the short term use of this fossil fuel. It will be burnt and increase acid rain and forgotten. The devastation left in its wake will remain an ugly scar for all time.

I understand balancing competing needs, but unless there is an absolute need that will be left unfulfilled by the absence of this fuel, please reconsider the EPA's position.

Very Truly Yours,

J. Jeffrey Morris

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----- Forwarded by David Rider/R3/USEPA/US on 01/09/2004 02:51 PM -----

bobmoss@bestweb.net
To: R3 Mountaintop@EPA
cc:
01/05/2004 06:22 Subject: Draft programmatic Environmental Impact
Statement (Draft EIS) on mountaintop
PM coal mining

Project Manager John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Project Manager Forren,

PLEASE NOTE: You will probably receive hundreds of identical letters on this subject. That doesn't make them invalid. They are from real people who have real jobs and real family obligations--any many work hard as volunteers trying to protect the environment on which we depend for life. In other words, they're busy people. The letters are not automatically generated from a list--each individual must actively request that the letter be sent in his/her name, even if no personal editing is done.

I find it unconscionable that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams, and destroy communities.

According to the administration's draft Environmental Impact Statement (EIS) on mountaintop removal coal mining, the environmental effects of mountaintop removal are widespread, devastating, and permanent. Yet the draft EIS proposes no restrictions on the size of valley fills that bury streams, no limits on the number of acres of forest that can be destroyed, no protections for imperiled wildlife, and no safeguards for the communities of people that depend on the region's natural resources for themselves and future generations.

Remarkably, the Bush administration's "preferred alternative" for addressing the enormous problems caused by mountaintop removal coal mining is to weaken existing environmental protections. The draft EIS proposes streamlining the permitting process, allowing mountaintop removal and associated valley fills to continue at an accelerated rate. The draft EIS also suggests doing away with a surface mining rule that makes it illegal for mining activities to disturb areas within 100 feet of streams unless it can be proven that streams will not be harmed. This "preferred alternative" ignores the administration's own studies detailing the devastation caused by mountaintop removal coal mining, including:

- over 1200 miles of streams have been damaged or destroyed by mountaintop removal
- direct impacts to streams would be greatly lessened by reducing the size of the valley fills where mining wastes are dumped on top of streams

the total of past, present and estimated future forest losses is 1.4 million acres

forest losses in West Virginia have the potential of directly impacting as many as 244 vertebrate wildlife species

- even if hardwood forests can be reestablished in mined areas, which is unproven and unlikely, there will be a drastically different ecosystem from pre-mining forest conditions for generations, if not thousands of years

- without new limits on mountaintop removal, an additional 350 square miles of mountains, streams, and forests will be flattened and destroyed by mountaintop removal mining

The Bush administration's "preferred alternative" ignores these and hundreds of other scientific facts contained in the EIS studies. In light of these facts, the Bush administration must consider alternatives that reduce the environmental impacts of mountaintop removal and then implement measures to protect natural resources and communities in Appalachia, such as restrictions on the size of valley fills to reduce the destruction of streams, forests, wildlife and communities.

Sincerely,

Robert Moss
17 New Street
Bloomfield, New Jersey 07003-3603

cc:
Senator Jon Corzine
President George W. Bush
Vice President Richard Cheney
Representative William Pascrell
Senator Frank Lautenberg

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REC'D DEC 22 2003

727 String Hollow Rd.
Staunton, Va 24401

John Farres
U.S. Environmental Protection Agency
(3EA30) 1650 Arch St.
Philadelphia, Pa., 19103

Mr Farres:

Your draft EIS on Mountain Top Removal and Valley Fills is a disgrace to your agency! You propose to ignore the Clean Water Act, The Endangered Species Act and virtually every other law of the land! How can you, as employees of the American people live with yourselves? I urge you to file a grievance stating that you are being forced to disobey laws! Let's face it, your boss in the white house is an environmental terrorist! He's a liar and a criminal sell out to those who destroy our most precious land and water for the "bottom line". Again-how can you live with yourselves putting out this EIS?

P.S Please make this part of the records

Sincerely
Robert F. Mueller
Robert F. Mueller PhD
(over)

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Folks!
I'm an 80 year old scientist with wide experience in geology, incl. mining geology and as a senior scientist at NASA (retired), planetary sciences. I can tell you that in all my years experience Mountain Removal & Valley Fills is the worst I've seen. The most destructive of the entire impound and down-stream environment. I submitted my testimony to Judge Hoden on this as well! Please file grievances. It's what I did while at NASA to protect the environment in the vicinity of the Goddard Space Flight Center.

Do it!

Bob Mueller

--- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:43 PM ----

Dave Muhly
<vafw@naxs.net> To: R3 Mountaintop@EPA

cc:

01/06/2004 04:49 Subject: Comments on the EPA
Mountaintop Removal Mining DEIS
PM

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street Philadelphia, PA 19103

COMMENTS ON THE EPA MOUNTAINTOP REMOVAL MINING DEIS

In August of 2002, I had the opportunity to fly in a small plane over parts of Kanawha and Boone Counties in southern West Virginia. I was intellectually aware of the practice known as mountaintop removal mining, but nothing prepared me for the shock of what I saw that afternoon. I saw vast areas completely denuded and changed forever. Forests were gone, and streams were buried. And, perhaps most distressing of all, this was not an isolated occurrence. As far as I could see for many miles in any direction, similar MTR sites were revealed like festering wounds in the earth. I considered it then, and I can consider it now, an ungodly practice, unworthy of civilized man, an abomination, a sacrilege.

It is indefensible that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests and bury streams in the valleys below. This practice is damaging not only to the environment, but directly threatens homes and communities anywhere near such operations. Many small towns in southern West Virginia have been reduced to virtual ghost towns due to the damage caused by this mining practice.

Mountaintop removal mining and valley fills should not be allowed and the laws and regulations that protect clean water must not be weakened. In particular, I oppose the proposal to change the stream buffer zone rule that prohibits mining activity within 100 feet of streams. This rule should be strictly enforced for valley fills and in all other cases. In addition, the classification of valley fill that excludes it from the definition of waste and thus allows it to be

dumped wantonly into streambeds is an unconscionable breach of the public trust, and is indicative of how perverted the system can become when profits take precedence over people. Mountaintop removal mining and valley fills should be a prohibited practice.

According to the administration's draft Environmental Impact Statement (EIS) on mountaintop removal coal mining, the environmental effects of mountaintop removal are widespread, devastating, and permanent. Yet the draft EIS proposes no restrictions on the size of valley fills that bury streams, no limits on the number of acres of forest that can be destroyed, no protections for imperiled wildlife, and no safeguards for the communities of people that depend on the region's natural resources for themselves and future generations.

The Bush administration's "preferred alternative" for addressing the enormous problems caused by mountaintop removal coal mining is to weaken existing environmental protections. The draft EIS proposes streamlining the permitting process, allowing mountaintop removal and associated valley fills to continue at an accelerated rate. The draft EIS also suggests doing away with a surface mining rule that makes it illegal for mining activities to disturb areas within 100 feet of streams unless it can be proven that streams will not be harmed. This "preferred alternative" ignores the administration's own studies detailing the devastation caused by mountaintop removal coal mining, including:

- over 1200 miles of streams have been damaged or destroyed by mountaintop removal

- direct impacts to streams would be greatly lessened by reducing the size of the valley fills where mining wastes are dumped on top of streams

- the total of past, present and estimated future forest losses is 1.4 million acres

- forest losses in West Virginia have the potential of directly impacting as many as 244 vertebrate wildlife species

- even if hardwood forests can be reestablished in mined areas, which is unproven and unlikely, there will be a drastically different ecosystem from pre-mining forest conditions for generations, if not thousands of years

- without new limits on mountaintop removal, an additional 350

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square miles of mountains, streams, and forests will be flattened and destroyed by mountaintop removal mining

The Bush administration's "preferred alternative" ignores these and hundreds of other scientific facts contained in the EIS studies. In light of these facts, the Bush administration must consider alternatives that reduce the environmental impacts of mountaintop removal and then implement measures to protect natural resources and communities in Appalachia, such as restrictions on the size of valley fills to reduce the destruction of streams, forests, wildlife and communities.

I'm disappointed and angry that the federal government ignored its own studies when it proposed weakening, rather than strengthening, protections for people and the environment. I do not support any of the three alternatives contained within the Environmental Impact Statement Report. All three options will make it easier for companies to destroy streams, endangering wildlife and nearby communities. This is not responsible action! Due to the environmental and social impacts that can not be mitigated under any circumstances, mountaintop removal mining and valley fills should be a prohibited practice.

Please consider these my official comments on this proposed action, and add my name to any mailing list generated, electronic or otherwise, to keep citizens informed of the progress of this decision.

Sincerely,

David Muhly
Regional Representative
Sierra Club - Appalachian Region
Rt 2 Box 118
Bland, VA 24315
(276) 688-2190
(276) 688-2179 (fax)
(276) 620-0717 (cell)
david.muhly@sierraclub.org

1-5

----- Forwarded by David Rider/R3/USEPA/US on 01/09/2004 02:51 PM -----

mendi@rmi.net

To: R3 Mountaintop@EPA
01/06/2004 04:09 cc:
AM Subject: Don't destroy our mountain ecosystem!

January 3, 2004

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street Philadelphia, PA 19103

Dear Mr. Forren,

I am upset to learn that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams, and destroy communities. Support limitations to mountaintop removal mining: I am a native West Virginian born in the Ohio Valley, now residing in the Rocky Mountains of Colorado. As a researcher and adjunct college professor, I have had interest in the Mountaintop Removal projects over the past several years. My information developed over time by both my students and my own research efforts indicates that the original thinking about providing community improvements as part of the mountaintop removal plans were forward thinking and with the best community intentions in mind. In practice, over time, however, the effort has lost its initial appeal and instead of helping communities with the concept of environmental management in mind, the effort has become an industrial nightmare, destroying the very beauty and appeal that makes people want to live and work in West Virginia. An overall lack of audit and control on both site selection and maintenance performance has led to a degradation of communities and rural environments as well as a visual eyesore and a blight on the native animals and ability to grow vegetation in the affected areas. The lands being decimated by the mountaintop removal activities were once beautiful places that residents were proud to call their home. As a native West Virginian, I am sickened at the ugly scenes that have been left by the mountaintop removal operations. The result has not been an environmental triumph that safely provides better communities for West Virginia residents each time a Mountaintop Removal project is completed. I suggest that the result of poorly selected and poorly managed operations has resulted in reduced economic and tourism opportunities for the citizens in the long run. My recommendation is to take the time and effort that should have been in place all along for providing effective well-audited resource removal without the overall destruction of the landscape.

10-6-3

According to the administration's draft Environmental Impact Statement (EIS) on mountaintop removal coal mining, the environmental effects of mountaintop removal are widespread, devastating, and permanent. Yet the draft EIS proposes no restrictions on the size of valley fills that bury streams, no limits on the number of acres of forest that can be destroyed, no protections for imperiled wildlife, and no safeguards for the communities of people that depend on the region's natural resources for themselves and future generations.

1-5

The Bush administration's "preferred alternative" for addressing the problems caused by mountaintop removal coal mining is to weaken existing environmental protections. This "preferred alternative" ignores the administration's own studies detailing the devastation caused by mountaintop removal coal mining, including:

- over 1200 miles of streams have been damaged or destroyed by mountaintop removal;
- direct impacts to streams would be greatly lessened by reducing the size of the valley fills where mining wastes are dumped on top of streams;
- the total of past, present and estimated future forest losses is 1.4 million acres;
- forest losses in West Virginia have the potential of directly impacting as many as 244 vertebrate wildlife species;
- without new limits on mountaintop removal, an additional 350 square miles of mountains, streams, and forests will be flattened and destroyed by mountaintop removal mining.

In light of these facts, I urge you to consider alternatives that reduce the environmental impacts of mountaintop removal. Thank you for your consideration of this important issue.

Sincerely,

Dr. Mendi Mullett
11109 Melody Drive
Northglenn, CO 80234
United States

1-5

January 2, 2004

REC'D JAN 06 2004

John Forren
U.S. Environmental Protection Agency (3EA30)
1650 Arch Street
Philadelphia, PA
19103

Dear Mr. Forren-

I am writing you because I am opposed to mountaintop removal and valley fills. I urge you - as an employee of the agency charged with protecting the environment - to do all you can to stop these practices. Mountaintop removal and valley fills pollute waters, destroy rich forest ecosystems, cause frequent and severe flooding, and wreck the quality of life of Appalachian communities.

I am opposed to any changes that would weaken the laws and regulations that govern clean water. I do not support Alternative 1, 2, or 3 as described in the EIS report. None of these options will support Appalachian forests, water, or communities.

Thank you.

Cory Munson
480 8th Street
Brooklyn, NY
11215

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SENATORS + READER FORUILL

8-24-03

To the U.S. ARMY CORPS OF ENGINEERS, AND
 THE PUBLICS INFORMATION

PURE OXYGEN IS MADE BY THE
 TREES, SHRUBS AND PLANT LIFE. THE
 POLLUTION + PETRO CARBONS, CARS, SUV'S, AN
 DIESEL ENGINES MAKE IS BREATHED IN
 BY TREES AND OXYGEN IS EXPELLED.
 THE COAL COMPANIES MUST LEAVE
 COAL PILLARS AND DIG UNDERGROUND
 WITH THE LATEST TECHNOLOGY AND
 EXTRACTING COAL AND LEAVE THE MOUNTAIN
 SUPPORTED.

WE ARE CALLED TO BE GOOD
 STEWARDS OF THE EARTH!

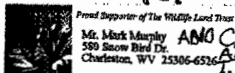
MANY OF OUR AGENCIES ARE IN
 BREACH OF U.S. LAWS, STATE LAWS AND
 NATURE'S LAWS

INFORMATION

FOR: THE CITIZENS AND TOURISTS AGAINST LEVELING OF N.V.A. ATAL OF WVA

HOW MANY LAWSUITS DO WE NEED?
 DEPRIVING MY FAMILY AND MYSELF OF
 BETTER AIR IS A DEATH,
 SLOW DEATH.
 IF IT 3,000 LAWSUITS IS WHAT IT
 TAKES WE CAN NOT BE DEPRIVED OF
 OXYGEN.

WE WILL MARCH ON WASHINGTON
 D.C. WHEN WE ARE NEEDED!!



Prud'homme of the Wildlife Land Trust
 Mr. Mark Murphy
 389 Snow Bird Dr.
 Charleston, WV 25306-6516

THE CITIZENS AND TOURISTS THANK YOU.
 AGAINST IN CHRISTIAN LOVE, YOUR TRULY
 A. LEVING Mark Murphy IN MAKE
 L. WVA

----- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:32 PM -----

"samyers123@sbcgl
 obal.net" To: R3 Mountaintop@EPA
 <samyers123 cc:
 Subject: Please Stop Destructive Mountaintop

Removal Mining
 01/06/2004 12:30
 PM

Dear Mr. John Forren, Project Manager,

Please make honest recommendations in the EPA's EIS. Tearing up mountains for a
 minimal supply of coal is simply ridiculous, as it does more harm than good. Anyone
 can see that the small amount of coal simply isn't worth the damage done.

The truth will come out sooner or later, so it might as well come from you now.

Sincerely,

Sheldon A. Myers
 Attorney at Law
 521 Texas Avenue
 El Paso, TX 79901
 samyers123@sbcglobal.net

Sheldon Myers
 521 Texas Avenue
 El Paso, TX 79901
 samyers123@sbcglobal.net

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Valley of the Dammed

By Susan M. Nadeau



...The ore feels homesick.
It wants to abandon the mining thrives
and the wheels that offer such a meager life.
And out of the factories and payroll boxes
it wants to go back into the veins
of the thrown open mountain,
which will close again behind it.

(Rainer Maria Rilke, What is Freedom? at eco-action.org)

REC'D DEC 31 2003 12/28/03

MS. GRACE E. NACCARATO
PO BOX 504
LAKE LUZERNE, NY 12846-0504

Hear Mr. Forrester!
In reading the American Review magazine, I learn
that in May the EPA released a long overdue draft
EIS on mountaintop removal, that fails to adequately
address how to dramatically reduce the environmental
harm from mountaintop mining. The activists in Appalachia
who have worked long & hard to stop mountaintop
removal mining need your help. Please tell EPA not
to weaken environmental protections for that devastating
practice. The clock is ticking for you!
Sincerely,
Grace Naccarato

1-10

Valley of the Dammed
A Comment on the Draft EIS Mountaintop Mining/Valley Fill

I. Introduction

The method of coal mining called Mountaintop removal mining has been under increasing scrutiny and controversy over the last few years. Mountaintop mining involves blasting up to 600 feet off the top of a mountain, and removing the soil and rock, called spoil or overburden, to expose the seam of coal lying just below the surface. The overburden expands in volume once removed from its original location. This excess overburden has to be placed elsewhere, and usually ends up on adjacent valleys or hollows that may be the headwaters for intermittent or ephemeral streams.¹ Once miners remove the overburden, they can mine up to 100 percent of the exposed, valuable, and low-sulfur coal seams lying beneath.²

This method of mining coal has been called efficient as well as profitable, because coal companies can maximize coal production at lower costs than traditional underground mining. The companies point proudly to their contributions to the regional economy. The West Virginia coal industry exported some two billion dollars worth of coal in 1995, and employed close to 20,000 people.³ In 1999, three percent of the total jobs in West Virginia were in the coal industry.⁴ This compares with 1979, when almost ten percent of the state's jobs were provided by mining operations.⁵ Furthermore, in 1998, mountaintop removal mines employed only 2300 workers, less than a half percent of all state jobs.⁶

Coal is an important energy resource, generating fifty-six percent of the electricity in this nation.⁷ West Virginia is the second largest generator of coal in this country. Almost all of the electricity in Kentucky, Virginia, West Virginia, and Tennessee comes from coal-fired power plants.⁸ This resource is not only important to

West Virginia and the region's energy needs, but obviously, it is a matter of national interest, given the recent east coast blackout.

The positive attributes of surface mining are offset by the environmental hazards and environmental damage that occurs throughout the entire mining process. One of the most concerning effects of valley fills with overburden is the increase in chemicals that end up downstream from valley fills. Chemicals found in greater quantities downstream include sulfur, sodium, and most concerning, selenium (found in 13 of 15 sites to exceed state Ambient Water Quality Criteria).⁹

Another big concern is the extensive and permanent changes that occur with valley fills. Much of Appalachia has high mountains surrounded by deep valleys or hollows. The excess overburden is placed in the valley alongside the mountain, as it is more economically feasible for the coal industry (compared to hauling out the excess amount). As of 2001, an estimated 1200 miles of headwater streams have been directly impacted by this practice, and 724 stream miles (1.2% of streams) were covered by valley fills from 1985 through 2001.¹⁰ An estimated 1000 miles of valleys in West Virginia's Huntington District alone have been filled with mining overburden up to 200 feet high, and several miles long.¹¹

This conflict between energy needs, the economic stability of the region, and the concerns of environmentalists over the damage occurring in the region erupted in *Bragg v. West Virginia Coal Association*.¹² The plaintiffs in *Bragg* alleged misapplication of not only the Clean Water Act (CWA), but also the Surface Mining Control Reclamation Act (SMCRA) by the West Virginia Division of Environmental Protection (WVDEP). Specifically, they alleged that WVDEP approved surface mining applications of coal companies that did not meet mandatory environmental standards.¹³ As a result of this litigation, the plaintiffs, Federal agencies, and WVDEP agreed to settle the CWA portion of the case. The settlement agreement required the agencies to prepare an Environmental Impact Statement (EIS).¹⁴

It is the Draft of this EIS to which most of these comments will be focused. Proposed alternatives in the Draft EIS will be examined

¹ Paul A. Duffy, *How Filled was my Valley: Continuing the Debate on Disposal Impacts*, 17 J. Nat. Resources & Envtl. L. 143, 144.

² *Id.*

³ Crystal Moore, *Lack of Subject Matter Jurisdiction or Political Deferral: An Analysis of Bragg v. West Virginia Coal Association*, 17 J. Nat. Resources & Envtl. L. 67, 69.

⁴ *Id.*

⁵ *Mountaintop Removal Strip Mining, The Curse of Appalachia*, at <http://www.citizenscouncil.org/facts.html>.

⁶ *Id.*

⁷ *See supra*, note 3.

⁸ U.S. E.P.A. Region 3, *Mountaintop Mining/Valley Fills in Appalachia Draft Programmatic Environmental Impact Statement*, ES-2, June 2003.

⁹ *Id.* at III.D-6.

¹⁰ *Id.* at ES-4.

¹¹ *How Filled was My Valley* at 176.

¹² *Bragg v. West Virginia Coal Ass'n*, 248 F.3d 275 (4th Cir. 2001), cert. denied, 534 U.S. 1113 (2002).

¹³ *Id.* at 287.

¹⁴ *MTM/VF Draft Programmatic Environmental Impact Statement*, 1-8.

individually and discussed to see if they meet the stated goals and purposes of the EIS. Next, the Preliminary Draft EIS alternatives will be discussed. Finally, the impacts to the streams, earth, and community will be addressed regarding adequacy of the EIS alternatives, and suggestions to alleviate some of the more profound issues.

II. THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

A. BACKGROUND

The purpose of the EIS, as stated in the Federal Register, is:

*"to consider developing agency policies, guidance, and coordinated agency decision-making processes to minimize, to the maximum extent practicable, the adverse environmental effects to waters of the United States and to fish and wildlife resources affected by mountaintop mining operations, and to environmental resources that could be affected by the size and location of excess spoil disposal sites in valley fills."*¹⁵

The settlement agreement reached by the plaintiffs, and federal and state agencies required the involved agencies to enter into a Memorandum of Understanding (MOU) to establish an interagency coordination process, which would improve the permit process.¹⁶ Currently, the U.S. Army Corps of Engineers (COE) has the principal authority to regulate the placement of fill into the waters of the United States under the CWA Section 404, either by a general permit or an individual permit. The Office of Surface Mining (OSM) has the authority to delegate the SMRCA to states that have more restrictive regulations. Therefore, the WVDEP has primacy over the SMRCA permit process in the state of West Virginia. The U.S. Fish and Wildlife Service (FWS) is responsible for administering the Endangered Species Act (ESA), and issues permits for incidental takings.

Clearly, there are many agencies involved with the issuance of permits for surface mining. An effort to coordinate projects amongst all the involved agencies is a step in the right direction, and should lead to more consistency in the application of regulations. For example, there is no definition of "fill" in the textual language of the CWA, which led to inconsistency in application of regulations. In the case of the CWA, both the EPA and COE regulations had different

definitions of "fill." In order to determine CWA § 404 jurisdiction, the EPA and COE redefined "fill" to an "effects test." Thus, if fill had the "effect" of creating dry land or changing the bottom elevation of a stream, then CWA § 404 jurisdiction applies, and COE would be the permitting agency.¹⁷

There must also be a concerted effort by the lead agency (Federal or State) to not only remain on track with the focused goals, but to be able to hold the other agencies accountable to the stated purposes of the involved statutes. For example, SMRCA regulations include a "stream buffer zone" rule, which states that no one can mine within 100 feet of intermittent and perennial streams.¹⁸ However, the OSM and WVDEP have not been enforcing this rule when dealing with valley fills.

In sum, coordination, cooperation and planning amongst the various agencies are all positive aspects of this Draft EIS. These proposed action alternatives are largely administrative, however, and this Draft EIS falls far short of the rest of its purpose: *to minimize, to the maximum extent practicable, the adverse environmental effects to waters of the United States and to fish and wildlife resources affected by mountaintop mining operations, and to environmental resources that could be affected by the size and location of excess spoil disposal sites in valley fills.*¹⁹

Furthermore, do not be fooled into thinking that the Bush Administration had no say in this Draft EIS. Consider the following statement from the Interior Department. In October 2001, Deputy Secretary of Interior Steven Griles, a former mining lobbyist, proposed to refocus the study on "centralizing and streamlining coal mine permitting."²⁰ He went on to state "We must ensure that the EIS lay the groundwork for coordinating our respective regulatory jurisdiction in the most efficient manner. At a minimum, this would require that the

¹⁷ *Id.* at 1-10.

¹⁸ 30 C.F.R. § 816.57 Hydrologic balance: Stream buffer zones.

(a) No land within 100 feet of a perennial stream or an intermittent stream shall be disturbed by surface mining activities, unless the regulatory authority specifically authorizes surface mining activities closer to, or through, such a stream. The regulatory authority may authorize such activities only upon finding that—

(1) Surface mining activities will not cause or contribute to the violation of applicable State or Federal water quality standards, and will not adversely affect the water quantity and quality or other environmental resources of the stream; and

(2) If there will be a temporary or permanent stream-channel diversion, it will comply with § 816.43.

(b) The area not to be disturbed shall be designated as a buffer zone, and the operator shall mark it as specified in § 816.11.

¹⁹ see supra note 14.

²⁰ Ken Ward Jr., *Mining Study Due for Release, Report will Push to "Streamline" Permits*, The Charleston Gazette, 5/29/03 at 8a.

¹⁵ Notice of Intent, 64 Fed. Reg. 5778 (Feb. 5, 1999).

¹⁶ MTM/VF Draft Programmatic Environmental Impact Statement, at 1-8.

EIS focus on centralizing and streamlining coal mine permitting, and minimizing or mitigating environmental impacts."²¹

A. NO ACTION ALTERNATIVE

This is the baseline alternative from which to compare all other alternatives. This alternative maintains the regulatory programs that are in place as of 2003.

B. ALTERNATIVE #1

This alternative provides for the COE, on a case-by-case basis, to make the primary determination of whether and how large valley fills from Mountaintop Mining would be authorized. The COE would presume that most projects would require an individual permit. General permits (Nationwide Permits or NWP 21) would be applicable in limited circumstances.²² COE would rely on SMCRA reviews (in West Virginia, this would be done by WVDEP), and would require mitigation of unavoidable aquatic impacts (on-site or in-kind off-site). The COE would be the lead agency for ESA consultation on aquatic resources, and the SMCRA agencies would coordinate with FWS on aquatic and terrestrial species. OSM would consider rulemaking so that the stream buffer zone would be inapplicable to excess spoil disposal in waters of the U.S.²³

This alternative focuses on the permit process, and coordinating agency decision making processes. This alternative would allow for more environmental assessments of impacts on watersheds less than 250 acres in size. The General or NWP permit process has been criticized for the fast approval of projects with little or no administrative delay. This is confirmed by the COE statistics. The COE processed an average of 74,900 applications annually between 1996 and 1999, and authorized 84.4 percent of them under the NWP permit. The COE required only 6.7 percent of the applicants to undergo an individual permit, and denied only 0.3 percent of the applications.²⁴ The COE evaluation of valley fills under the individual permit would at least force the involved agencies to stop and think prior to allowing valley fills.

²¹ *Id.*

²² COE authorizes at its discretion individual permits for projects that have more than minimal adverse effects or involve watersheds less than 250 acres, and requires an environmental assessment. General permits (NWP 21) are authorized for projects that individually or cumulatively have only minimal adverse effects, or are projects in watersheds greater than 250 acres. These NWP 21 permits are intended to speed up the approval of activities. *MTM/VF Draft Programmatic Environmental Impact Statement* at I-1.

²³ *Id.* at ES-5 and ES-6.

²⁴ *How Filled was My Valley* at 176.

The most concerning part of this alternative (and the other two alternatives), is that the report recommends the OSM revise the stream buffer zone rule as inapplicable to excess spoil disposal in waters of the U.S.²⁵ This recommendation is based on deference to the COE analyses of the aquatic resource impacts, and would make the stream buffer zone rule more consistent with SMCRA and CWA provisions. However, allowing the dumping of overburden within 100 feet of a stream would irreparably harm not only the habitats of critters within the immediate area, but would also add minerals toxic to aquatic life, such as sulfur and selenium to leach downstream. This Draft EIS, by its own admission, admits that there is insufficient data to determine the scope and long-term effects downstream of overburden that impacts to streams persist. It also states that indirect impacts will continue regardless of which alternative is selected.²⁶ This is simply unacceptable. The simplest and most direct response to this problem is to enforce the rules already in place. OSM and WVDEP have not been enforcing the stream buffer zone rule, due to supposed confusion and inconsistency between the CWA and SMCRA statutes. However, the plain language of SMCRA is clear, and perhaps it is the COE who should defer to the language of SMCRA under these circumstances.

C. ALTERNATIVE #2

The Draft EIS identifies this alternative as the preferred one. This would effectively streamline the process of permitting, with a joint application process overseen by the SMCRA agency (in West Virginia, it would fall to WVDEP). The SMCRA agency would receive the application for a permit, and then the COE would initially decide the applicability of individual permit process. Any general or NWP 21 permits processed by COE would rely on data from the SMCRA review. Mitigation of unavoidable aquatic impacts would be required at to the appropriate level. Furthermore, SMCRA agencies will take the lead for ESA coordination for NWP 21 permits. FWS would retain the ability to consult on unresolved ESA issues for all CWA section 404 permits.²⁷

This alternative basically creates one permit application that the coal industry would submit to the COE and to SMCRA agencies. These two agencies would jointly (while maintaining independent review)

²⁵ *MTM/VF Draft Programmatic Environmental Impact Statement*, at II B-7.

²⁶ *Id.* at IV B-7.

²⁷ *Id.* at ES-6.

1-10

determine the size, location and number of valley fills.²⁶ As noted previously, coordination amongst agencies is good, in that limited resources can be combined. Data collected by different agencies for different purposes is not viewed as one integrated project. What must be made clear, however, is that this collected data is showing a permanent impact on the environment in West Virginia. There is not one single word in alternate #2 which satisfies the Draft EIS purpose of minimizing the environmental impacts of valley fills. It comes in only as a secondary issue, in that streamlining the regulatory process will somehow minimize the permanent impacts and protect the public. Indeed, alternative #2 looks to increase the number of NWP 21 permits authorized by the COE (alternative #1 is the only one which states that COE must presume that most projects require individual permits).

D. ALTERNATIVE #3

This alternative would make the SMCRA agency the lead in the permitting process. The COE would process most valley fill projects as NWP 21, and few would require individual permits. The COE would require the individual permit only if it found the application inadequate due to lack of data, mitigation, or alternatives considered.²⁹

Obviously, the coal companies must have jumped for joy when they saw this alternative. The goal of this alternative is to enhance SMCRA programs to satisfy CWA section 404 requirements. While there would be a joint permit, as in alternative #2, the lead agency would actually be the SMCRA agency (in West Virginia, this would fall to WVDEP). The assumption is that the SMCRA review is much like an individual permit, with the exception of off-site mitigation. This mitigation would be assured by COE. The fact that COE would routinely process valley fill projects as NWP 21 permits is enough to dismiss this alternative. Furthermore, the current environmental record of WVDEP with valley fills is less than stellar. Adding further regulations to enforce and monitoring to a state with limited resources is probably not a wise environmental choice. Part of the problem may also be due to politics as usual. The coal industry was the top donor in the last two elections of some elected officials in West Virginia, and three of the

last four heads of WVDEP have come from the coal industry.³⁰ An old saying comes to mind of the fox being in charge of the henhouse.

None of the alternatives discussed in the Draft EIS adequately deals with minimizing the environmental impacts of mountaintop mining and valley fills. They do not speak to any environmental justice issues. They do not propose reductions in the size of streams affected. They do not propose specific mitigation procedures. They do exactly what Deputy Secretary of Interior Griles wanted; they streamline the coal mine permitting process.

II. THE PRELIMINARY DRAFT ENVIRONMENTAL IMPACT STATEMENT

Prior to the release of the aforementioned Draft EIS for mountaintop mining and valley fills, the EPA released a preliminary draft in January of 2001. This preliminary draft included many items missing from the final Draft released to the public this year. The preliminary draft EIS focused on minimizing adverse environmental impacts, rather than focusing on streamlining the permitting process.

The issue of increasing scrutiny of permits involving valley fills would be aided by a Memorandum of Understanding (MOU) between the involved agencies. The agencies had entered into the agreement with the goal of enhancing cooperation and communication in order to ensure compliance with all applicable federal and state laws.³¹ Changing the whole tone of the EIS to streamline the permitting process, rather than using the MOU for coordination and cooperation, seems almost to be a duplication of effort. In other words, improving communication, timelines and coordination amongst the various agencies would do more to "streamline" the permitting process than removing rules and regulations put in place to protect the environment.

A. ALTERNATIVES DISCUSSED IN THE PRELIMINARY DRAFT EIS

There were four alternatives discussed in the preliminary draft. First was the No Action alternative, or baseline, which reflected agency policies and decision-making prior to the litigation in 1998. This would not be a preferred alternative, for that very reason.

²⁶ Peter Slavin, *Razing Appalachia*, May 5, 2002, at <http://www.citizenscoalcouncil.org/news/razingAp.htm>.

³¹ U.S. EPA, Reg. 3, *Mountaintop Mining/Valley Fill Environmental Impact Statement Preliminary Draft*, ES-1, ES-3, (January 2001) at <http://wvgazette.com/eis>.

²⁸ Id.
²⁹ Id.

Alternative B would restrict valley fills to watersheds between 0 to 75 acres (ephemeral streams), and would restrict fills to the uppermost reaches of the watershed. This alternative would result in fill being deposited in more rather than less watersheds, and a greater number of biotic communities would end up impacted.³²

Alternative C would place the fill further downstream, possibly under the OCE section 404 NWP 21 permit program. The watershed size would range between 75-250 acres.³³ The watersheds affected would be larger (intermittent streams), and should result in fewer valley fills.

Alternative D would not limit fills to the size of the watershed, but would implement many new programmatic actions to reduce aquatic, terrestrial, and community impact concerns.³⁴

B. WHY LIMIT THE SIZE OF THE WATERSHED AFFECTED?

The preliminary EIS looked at the current percentages of valley fills by acreage. In Kentucky, for example, 81 percent of proposed valley fills were in watersheds less than 75 acres, while 14 percent were in watersheds between 75 and 250 acres, the rest being in watersheds greater than 250 acres.³⁵ As previously discussed, the NWP 21 permits are currently issued for watersheds less than 250 acres, therefore, 95% of valley fills in Kentucky were approved without any kind of environmental assessment (and West Virginia's record is just as dismal). If one were to reduce the watershed acreage size to at least a 75 acre watershed, Kentucky would require environmental assessments on at least 19% more affected watersheds, and West Virginia would require environmental assessments on 41% of affected watersheds (sized 75-250 acres).³⁶

There is another suggested reduction in the size of watersheds to 35 acres, found in a cumulative impact study prepared for the E.P.A. for this preliminary draft.³⁷ This reduction was not even mentioned in the preliminary draft, as if it did not even exist, but will be discussed further in the impacts section as a possible alternative.

³² *Id.* at ES-14.

³³ *Id.* at IV-2.

³⁴ *Id.* at ES-5.

³⁵ *Id.* at ES-9.

³⁶ *Id.*

³⁷ Gannett-Fleming, *Landscape Scale Cumulative Impact Study of Future Mountaintop Mining Operations*, (March 2002) i. at <http://wvgazette.com/eis>

C. DISCUSSION OF PRELIMINARY ALTERNATIVES

The alternatives discussed in the preliminary draft were certainly more promising than those actually published as the Draft EIS. The imposition of a "bright line" rule on the size of the watershed to a lower acreage is essential to the protection of intermittent streams. Identifying the types and sizes of the streams brings more clarity to regulations on dumping overburden into sensitive habitat areas. The only acreage limit listed in the 2003 Draft EIS is the 250 acreage limit. There was no consideration for the protection of the larger watersheds from permanent damage, nor was there consideration for the smaller and more fragile ecosystems in the current permit system. The lower acreage watersheds (0-75 acres) are mostly ephemeral streams. Generally, ephemeral stream flow is in direct response to precipitation, and is more random than periodic. The larger acreage watersheds (75-250 acres) are generally intermittent or seasonal streams. During dry periods, interstitial water flows through the material below these intermittent streams.³⁸ This is important because life forms are able to continue their life cycles by burrowing into this interstitial space. Once this area is covered with 200 feet of overburden, the life forms can no longer exist. Along with imposing a "bright line" on the size of the watershed affected, there must monitoring of coal company practices and the imposition of stiff penalties or the threat of criminal prosecution.

III. IMPACT ANALYSIS

The impacts of mountaintop mining and valley fills are extensive and in most cases, permanent. These impacts are addressed at length in both Draft statements. Some issues are dismissed as not having enough data, or they are just dismissed altogether. It is imperative to discuss the impacts of these mining operations on the communities affected, and offer alternatives to compensate for the damage caused. Dismissing the impacts as nuisance issues leaves the communities feeling as if they are powerless. These impacts will be discussed as aquatic, terrestrial, community, and finally economic issues.

A. AQUATIC ISSUES

³⁸ *Mountaintop Mining/Valley Fill Environmental Impact Statement Preliminary Draft*, at ES-7.

10-2-3

Aquatic issues include impacts to streams, groundwater, and the effectiveness of current mitigation practices.

i. IMPACTS TO STREAMS

There are many types of streams affected by valley fills. Plant communities found in high-gradient streams are uniquely adapted to survive in that type of environment. These habitats support an abundance of flora considered to be endemic (some species being very rare) to the region.³⁹ Small streams and headwater streams play an important part in the conversion of organic matter to fine particulate matter. The most serious direct impact from mountaintop mining is the burial of these streams underneath 200 feet of overburden.⁴⁰

The streams may also be impacted by the construction of sedimentation ponds below valley fills. In West Virginia, sedimentation ponds can range from 150 to 5200 feet of channel occupancy, and can be located 3200 feet from the toe of the valley fill.⁴¹ This sediment-laden water can be expected to flow into nearby unhindered streams, thus affecting aquatic life. Toxic minerals such as sulfur and selenium have been noted in higher concentrations below mining, and even higher concentrations downstream of fills.⁴² To date, there has been no adequate action to mitigate for this damage to streams or aquatic life. The preliminary draft states unequivocally that neither stream construction and enhancement or wetland creation have been demonstrated to fully compensate for the functions lost by the filling of headwater streams or the indirect effects to downstream segments of streams from overburden dumped upstream.⁴³

In order to protect headwater streams from these devastating effects, one has to look no further than the "stream buffer zone rule" found in SMCRA. As noted previously, the federal and state agencies should enforce a prohibition of surface mining activities within 100 feet of an intermittent or perennial stream.⁴⁴ The agencies should not only amend their regulations to comply, but they would also have to create a protocol to define the intermittent streams. Then overburden would be placed or "toed out" 100 feet upstream of the point where the

stream flow becomes intermittent. The ephemeral portion of the stream channels would be obviously most affected. Economically, the burden of proof of demarcation would fall on the permit applicant.

Limiting the size of the watershed affected will also reduce the damage to intermittent streams. According to the study done by Gannett Fleming for the EPA, limiting watershed size to 0-35 acres produced impacts to the fewest number of watersheds, compared to the 250 acre watershed size.⁴⁵ The 35 acre limit was found to impact the shortest length of stream, and produced the smallest percentage of stream length affected. Furthermore, the 35 acre restriction produced the lowest number of direct impacts to streams.⁴⁶

Enforcement of the "stream buffer zone rule" and restricting affected watersheds to 35 acres or less will reduce the impacts of mountaintop mining and valley fills on aquatic resources. These two suggestions must be incorporated into the EIS and implemented by both federal and state agencies involved.

ii. IMPACTS TO GROUNDWATER

Another problem noted by the preliminary draft and during the scoping process for the Draft EIS is the effect of surface mining on groundwater quality and quantity. Scientific studies have documented the decline of groundwater quality in relation to surface coal mining, because exposure of overburden and coal increases the rate of oxidation of sulfur-bearing minerals such as pyrite.⁴⁷ Groundwater quality degradation in West Virginia was found to occur within 1500 feet of mining sites, which resulted in increased iron and sulfate.⁴⁸

Groundwater quantity is also affected by the actions of surface mining companies. Residents near the mining sites complain of reductions in well water following blasting in the area.⁴⁹ This may be due to changes in the flow of groundwater from typically clean fractures to pores spaces in overburden, which may appear as springs. Shallow groundwater systems were found to be impacted the most by surface mining activities.⁵⁰

³⁹ *Id.* at ES-8.

⁴⁰ *Id.*

⁴¹ *Id.* at ES-9.

⁴² *Id.* at ES-10.

⁴³ *Id.* at ES-11.

⁴⁴ *See supra* note 18.

⁴⁵ *Landscape Scale Cumulative Impact Study* at iii.

⁴⁶ *Id.* at vii.

⁴⁷ *Mountaintop Mining/Valley Fill Environmental Impact Statement Preliminary Draft*, at ES-11.

⁴⁸ *Id.*

⁴⁹ *Id.* at ES-17.

⁵⁰ *Id.* at ES-10.

5-7-2

1-8

5-2-2

Loss of a well due to either quality or diminution can be devastating to residents. Given the fact that most residents in the Appalachians are economically burdened by the effects of surface mining, it seems appropriate to require coal companies to compensate residents for the loss of their wells. Changes in blasting procedure to occur farther away from residences may limit the profound changes in groundwater flow. Studies should be conducted by DOE or the appropriate state agency to determine the best course of action for well owners in the area of a surface mining operation.

5-2-3

iii. MITIGATION PRACTICES

As stated previously, current mitigation practices have not been demonstrated to fully compensate for the functions lost by the filling of headwater streams or the indirect effects to downstream segments from upstream fills. Studies noted in the preliminary draft suggest that wetlands constructed on mining sites do not replace in-kind many of the pre-mining functions provided by headwater streams.⁵¹ Creating an isolated wetland on a reclaimed mine does little to contribute to the biological needs of aquatic ecosystem downstream from the mine. Some species will be able to inhabit the created wetlands, but a biologically healthy stream would be the best option. The preliminary draft suggested that redirecting the groundwater flow would help reestablish stream channels, by designing backfill slopes on the down slope side of the mined area.⁵²

The restoration of streams would require some regulatory changes to allow valley fill configuration. This should be a part of the initial permitting process. The permitting agencies must provide monitoring of these restoration activities, and penalties for inadequate restoration projects. Currently, neither the SMCRA nor the CWA permitting process requires the assessment of opportunities to replace lost aquatic habitat due to surface mining activities. This will need to change. Furthermore, WVDEP indicated that on-site mitigation of stream and associated wetlands was not the norm for pre-litigation mining operations.⁵³ In fact, coal companies in West Virginia opted to pay into a stream impact mitigation fund, at a rate of \$120,000 per acre for stream impacts to the toe of a fill, and

⁵¹ *Id.* at ES-12.

⁵² *Id.*

⁵³ *Id.*

\$20,000 per acre for sedimentation ponds.⁵⁴ Coal companies could also perform other local mitigation or improvement projects of equal value to the mitigation payment, in lieu of a direct cash payment. In West Virginia, most mine operations preferred the direct cash payment.⁵⁵ The truth is, compensation may be more attractive because it is difficult to technically compensate on-site mitigation adequately. Perhaps the next best option is to use the cash payment to purchase land trusts or to bank pristine areas from any development.

5-7-3

iv. THE LAST WORD ON AQUATIC IMPACTS?

Valley fills destroy stream habitats, alter stream chemistry, affect stream flow and thermal characteristics, and reduce downstream transport of organic matter. Before the litigation, valley fills also destroyed stream habitats before adequate environmental assessments were performed. As noted in this section, these impacts can be reduced considerably by conforming to SMCRA requirements, restricting the size of the watershed affected to 0-35 acres, and putting appropriate mitigation practices and penalties into effect. It is unacceptable that the Draft EIS did not even consider any of these in its suggested alternatives.

1-8

B. TERRESTRIAL ISSUES

The two issues that are most important terrestrially are the reclamation practices (or, lack thereof) of the surface mining companies, and the effects of deforestation on plants and wildlife.

5-7-3

1. ALMOST LEVELED, WEST VIRGINIA

Part of the regulations contained in SMCRA, 30 U.S.C. §§ 1201 et seq., require that overburden be replaced to its "approximate original contour" thus putting Humpty Dumpty back together again. Companies must reclaim land so that it closely resembles the general surface configuration of the land prior to mining. However, factors such as swelling of overburden after removal make it impossible to replace all of the excess back where it came from (so, some gets dumped in valleys adjacent to the site). Also, reconstructing a steep mountain mine can be impossible, and frankly the stability would be unpredictable in that

⁵⁴ *Id.*

⁵⁵ *Id.* at ES-13.

case. Furthermore, the regulations are unclear as to what constitutes "approximate original contour" for a specific area.⁵⁶ The SMCRA allows mining companies to obtain a waiver from the contour requirement, if they can propose an alternative use for the overburden that will put the land to an equal or better economic or public use after mining than before. The permit applicants must show that they will manage the overburden in accordance with applicable regulations and that these uses will not damage natural watercourses.⁵⁷

The involved agencies obviously do not read the local newspapers in West Virginia. In 1998, according to the West Virginia Gazette, three-quarters of the active mountaintop removal mines in that state did not submit contour variances, nor did they submit the required post-mining development plans.⁵⁸ At the time the article was written, thirty-four mines, both active and reclaimed, that received contour variances were identified, and ONLY ONE included a plan for future development.⁵⁹ So much for compliance with regulations.

There needs to be some clarification by OSM as to acceptable contour variances, as well as oversight to make sure the mining companies are in compliance with regulations. OSM has the authority to pull permits if the state is not complying with its own regulations. Perhaps it is time for OSM to step up to the plate.

The mining companies like to use "fish and wildlife habitat and recreation lands" as a popular post-mining land use.⁶⁰ This places flat patches of plains between the old growth forests of Appalachia. The landscape then takes on a checkerboard pattern and habitat patches become isolated. This can adversely affect species reproduction and survival. It can also favor the introduction of non-native invasive species, and the subsequent loss of native flora and fauna. According to the preliminary draft EIS, non-native species are considered to be the second most important threat to biodiversity, after habitat destruction.⁶¹

There obviously needs to be some coordination amongst agencies to develop procedures to reduce the introduction of non-native and

invasive species. One would think that listing species unacceptable to reclamation projects would be first on the agency "to do" list. There are regulations already in place which limits the percentage of land on which non-native vegetative species can be planted.⁶² Therefore, the existing regulation can be used to limit the percentage. There should also be incentives to foster the reintroduction of native plants and wildlife. This could be accomplished by providing credits towards mining companies for good reclamation practices. These decisions should occur during the permit application process, so that all impacts and requirements are considered early in the process. Communities should also become involved with this process. The preliminary draft suggested periodic citizen meetings during mining to answer questions explain rights and discuss concerns.⁶³

ii. DEFORESTATION IS NOT DELOVELY

The forests in the study area are characterized by a diverse understory of trees that never attain canopy status, and wildflowers are very common.⁶⁴ This diverse forest type provides excellent habitat for wildlife and game species alike. Grasslands and open areas are rare in that area, and therefore do not support native species. The mining companies take great pride in conversion of heavily forested land to grasslands they call habitat and recreation lands. However, this conversion has the potential of shifting the fauna of the region from that which is dependent upon undisturbed intact forest to one dominated by grassland and edge dwelling species.⁶⁵ Gannett Fleming suggests that long term mountaintop mining scenarios may portend the loss of over seven percent of forest cover, equating to 92,600 hectares of forest.⁶⁶ Fragmentation of the terrestrial environment by increasing numbers of grassland patches suggest that the biological integrity of the study area is in jeopardy. The study found that the 35 acre drainage basin restriction scenario yielded the least amount of impact to the terrestrial environment.⁶⁷ Another problem is that future forest harvesting is projected to occur on approximately 312,214 hectares.⁶⁸

18-1-2

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⁵⁶ *How Filled Was My Valley*, 17 J. Nat. Resources & Env'd. L. at 145.

⁵⁷ *Id.*

⁵⁸ Ken Ward, *Plattened, Most Mountaintop Mines Left as Pasture Land in State*, The Charleston Gazette, 8/29/1998 at <http://www.wvgazette.com/static/series/mining/MINE0809.html>.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Mountaintop Mining/Valley Fill Environmental Impact Statement Preliminary Draft*, at ES-16.

⁶² 30 C.F.R. 816.111 (a)(2).

⁶³ *Mountaintop Mining/Valley Fill Environmental Impact Statement Preliminary Draft*, at nt IV.F-15.

⁶⁴ *Landscape Scale Cumulative Impact Study* at vii.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.* at ix.

⁶⁸ *Id.*

The study admits that forest harvesting causes less duration of impact compared with mountaintop mining. However, forest harvesting combined with uncontrolled mountaintop mining will leave only 35% of existing forest in the study area today.⁶⁹

The effects of deforestation on native songbirds are a big concern to the public. One of the commentators during the scoping process quoted a study by Latta and Baltz from 1997, which noted that fragmentation of breeding bird habitat would have profound effects on reproductive success of avian species.⁷⁰ The study stated that fragmentation could cause insularization effects, increased nest predation, increased nest parasitism by Brown-headed Cowbirds, and decreased pairing success. These effects could be sufficient to cause local declines in bird populations. Three other studies quoted in the 2003 Draft EIS also confirmed the correlation between forest fragmentation and decline in Neotropical avian migrant populations.⁷¹

There should be a concerted effort by all involved state and federal agencies to characterize the habitats prior to allowing mining operations to begin, in order to properly evaluate the effects of mountaintop mining on plants and wildlife. This would require some pre-permitting evaluations, with the input of citizens, mining companies, wildlife experts and environmentalists. There also should be some identification of the best options (best management practices) to help restore terrestrial habitats.

Along with the pre-permitting evaluations, there absolutely MUST be some monitoring of reclamation practices. The agency most qualified to monitor the restoration of habitat is FWS. While SMCRA is the permitting agency for mining activities, and oversees reclamation and contour variance, they are not wildlife experts. Plus, requiring the SMCRA agency to oversee all of the impacts puts a strain on limited state resources. Allowing FWS to oversee habitat restoration, and requiring documentation and continuous monitoring of reclamation plans makes more sense than the suggested alternatives in the 2003 Draft EIS.

iii. THE LAST WORD ON TERRESTRIAL IMPACTS?

Mined landscapes, once healthy forest habitat, are increasingly being changed to a mosaic patchwork, with the resulting landscape

⁶⁹ *Id.* at x.

⁷⁰ *Mountaintop Mining/Valley Fill Draft Programmatic Environmental Impact Statement*, at I-16.

⁷¹ *Id.*

7-3-2

19-3-3

taking on a checkerboard appearance. Many of these changes occurred without oversight by OSM or the state agencies. There must be pre-permitting evaluations on the habitat, such as an environmental assessment. As noted in this section, these impacts can be reduced considerably by instituting the 35 acre drainage basin restriction scenario, and putting appropriate monitoring and documentation practices and penalties into effect. Furthermore, FWS should be the agency allowed to oversee habitat restoration, which would require some coordination between FWS and the state SMCRA agency, perhaps spelled out in the MOU. The 2003 Draft EIS did not consider a lower drainage basin restriction in any of these in its suggested alternatives, nor did it find that invasive species was a significant issue. Given the incredible destruction of forest in the future scenarios suggested by the Gannett Fleming study, these findings are deplorable.

C. COMMUNITY ISSUES

Community issues are not even a *minor* focus of the 2003 Draft EIS. However, they were noted in the scoping process, with citizens complaining of blasting and reduction in air quality.⁷² Community issues include effects of blasting, air quality, and environmental justice.

1. BLASTING

The biggest complaint by citizens centers on blasting. Blasting is perceived as the most detrimental factor in degrading the everyday lives of citizens residing in proximity to surface mining operations.⁷³ A study commissioned by then Governor Underwood showed that the noise, dust, and air shock not only damaged property, but also significantly impaired the quality of life of those impacted. Furthermore, the study noted that blasting had the greatest negative impact to people living adjacent to the surface mining activities.⁷⁴ Laws and regulations are supposed to set limits on vibrations; specifically the SMCRA regulations address these issues.⁷⁵ The Governor's task force found, however, that blasting methods have changed significantly over the years, while the SMCRA regulations have not.

The 2003 Draft EIS dismissed these concerns over blasting, stating that "blasting is not a significant issue" and that the

⁷² *Mountaintop Mining/Valley Fill Draft Programmatic Environmental Impact Statement*, at I-16.

⁷³ *Mountaintop Mining/Valley Fill Environmental Impact Statement Preliminary Draft*, at ES-17.

⁷⁴ *Id.*

⁷⁵ *Id.* at ES-18.

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16-3-2

"affected persons may have legal recourse regarding blast nuisances through civil action."⁷⁶ Apparently, they did not know that less than one tenth of citizen complaints result in citations. They did not know that even if citizens have a pre-blast survey done (and most do not because of the expense) they must still prove that the blasting was the actual cause of any damage to their property, an almost impossible feat for most.⁷⁷

The answer lies in the preliminary draft, which suggests two actions. First, conduct research to discern whether the current SMCR regulations are effective in preventing blasting damage from the newer methods used by surface mining companies. Second, pre-blast surveys should be performed to assess quality and quantity of private well supplies.⁷⁸ Public sentiment is that coal companies routinely cause damage, and regulatory agencies ignore citizen complaints. Another suggested addition would be to allow more public input before mining permits are issued, along with the size and impacts of the mining operation. Once the public complains about blasting damage, there should be either a form of Alternative Dispute Resolution or Mediation to resolve issues between citizens and mining companies. This would be less expensive than extended litigation, and would give affected citizens a voice.

ii. FUGITIVE DUST AND AIR QUALITY

Health risks are not discussed in the 2003 Draft EIS. The preliminary draft goes into some discussion of the health risks associated with mining activities. Specifically, health risks can occur from inhalation of particulate matter following blasting. One resident stated that she had to move out of her family home because her grandson developed asthma, which the doctor blamed on coal dust.⁷⁹ Air quality impacts tend to be localized within the immediate area of the mining site. However, trucks and railway cars routinely haul coal or overburden from the mining site to other destinations, and dust can emanate from this indirect method. The preliminary draft notes a study of dust and fumes from 3 mines, which demonstrated that detectable concentrations of respirable dust, total dust, nitric oxide, and carbon

monoxide were found in ambient air at distances greater than 1000 feet from the blasting operations.⁸⁰ Oh, sure it is insignificant...if you don't live there.

At the very least, there needs to be some assessment of the public health risks associated with fugitive dust and blasting fumes. This could be potentially a bigger issue, once the public is notified to come forward with any complaints of breathing difficulty, asthma exacerbation, or other similar ailments after blasting has occurred. Therefore, the suggested action would be to increase public notice regarding these possible side effects of blasting.

iii. ENVIRONMENTAL JUSTICE

Executive Order (EO) 12898 addresses how executive agencies are to consider environmental justice in their decision-making.⁸¹ Specifically, federal agencies must identify and address disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minorities and low income populations. While the decision to mine coal is an economic one, the consequences of this action adversely affect the populations in close proximity to the operations.

Census data from the study area indicate low numbers of minority groups, but high numbers of low income households.⁸² These citizens merit special consideration because the impacts of mountaintop mining are more likely to be felt disproportionately by this population. These people have lived here all their lives, they are undereducated (most without a high school diploma), and they tend to live in substandard housing.⁸³ The substandard housing can be most vulnerable to damage from blasting.

The 2003 Draft EIS did not discuss environmental justice concerns. This is another blatant lack of regard for low income populations and their disproportionate share of the impacts. This population needs to be addressed in any EIS regarding mountaintop mining and valley fills, solely because they are the most vulnerable to governmental actions in this region.

⁷⁶ *Mountaintop Mining/Valley Fill Draft Programmatic Environmental Impact Statement, Preliminary Draft* at ES-19.

⁷⁷ *Id.* at ES-22.

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁷⁶ *Mountaintop Mining/Valley Fill Draft Programmatic Environmental Impact Statement, Preliminary Draft* at II-A-6.

⁷⁷ *Mining Effects* at <http://eces.org/archives/gallery/mining/mine25.shtml>.

⁷⁸ *Mountaintop Mining/Valley Fill Environmental Impact Statement Preliminary Draft* at ES-17.

⁷⁹ *Razing Appalachia*, at <http://www.citizenscoalcouncil.org/new/razingAp.htm>.

iv. THE LAST WORD ON COMMUNITY IMPACTS?

These are not the only community issues that came up in the scoping process. Flooding of downstream communities from valley fills is another issue that the public is concerned about. This is because of 2 devastating floods, one being the Buffalo Creek coal waste dam failure.⁸⁴ The preliminary draft found that valley fill failures are uncommon, and those that occurred were preventable within the existing regulatory framework, and no actions were suggested.⁸⁵

Another issue that came up was the location of mining activities on culturally significant landscapes. Proposed plans to surface mine Blair Mountain, a scene of struggle to unionize the coalfields in the early 1900's was met with much resistance from nearby residents. A suggested action would be to hold such important cultural landscapes as a land trust.

The bottom line with these community issues is that it is imperative that governmental agencies remember that communities exist near coal mining operations. They must revise regulations to protect the public health and property from excessive damage from these large mining operations, and protect culturally significant landscapes. There also should be an assessment of environmental justice issues. Ignoring them in the 2003 Draft EIS will not make them go away.

D. ECONOMIC ISSUES

The primary goal in planning mining operations is to balance stripping ratios with consistent production costs. A typical large surface mining operation will produce almost 10,000 tons of coal per acre, and will produce between 1,000,000 and 2,500,000 tons per year.⁸⁶

West Virginia's State Budget Office receives approximately five percent of its revenue from coal severance taxes. Mountaintop mining employment, mentioned earlier in this comment paper, accounts for only about 2300 jobs, or one-half percent of all state jobs. It is obvious that the region is economically dependant on this resource, and there needs to be a concerted effort to diversify and develop an economy that can flourish once this resource is spent.

The implementation of a restriction on valley fills to 35 acres or less would minimally impact the price of coal, increasing the price

⁸⁴ *Id.* at ES-20.

⁸⁵ *Id.*

⁸⁶ *Id.*

10-2-2

by only one dollar per ton.⁸⁷ The economic studies, commissioned by the EPA, also show that restricting these valley fills to the smaller acreage limits would increase the price of electricity by only a few cents per Mega Watt Hour (MWhr).⁸⁸ Furthermore, there were no notable differences in wholesale electricity prices or generation levels among the different scenarios (0-35 acre, 0-75 acre, 75-250 acre restrictions) due to the competitive nature of the energy markets.⁸⁹

The projections for coal prices, in fact is to decline over the period up to the year 2010. This declining trend is attributed to a combination of depletion of reserves and competition with Western coal.⁹⁰ The economic implications of these projections would be most strongly felt in southwestern West Virginia, where coal mining employment is the largest. This makes it very important to build infrastructure and to diversify economies in those regions most affected. Any alternatives should include actions that include provisions for building this infrastructure. Not surprisingly, this was not discussed in the 2003 Draft EIS.

IV. CONCLUSION

The 2003 Draft Environmental Impact Statement was anything BUT environmental. In fact, the Draft EIS was deficient on many levels, addressing the permitting process and neglecting what should have been its primary purpose, the minimization of adverse effects to a beautiful and pristine environment. I cannot support any of the alternatives suggested in that Draft.

The preliminary Draft EIS released in 2001, while not perfect, managed to address these issues and made some suggestions for minimizing the impacts that mountaintop mining and valley fills have on the surrounding areas and communities. I would suggest looking at the following issues more closely. First, COE should require individual permits for any valley fills associated with mountaintop mining, to ensure that an environmental assessment is performed. There should be a viable assessment of restricting valley fills to watersheds of 35

⁸⁷ *Studies for the Draft Environmental Impact Statement Demonstrate that the Environmental Harm from Mountaintop Removal Coal Mining and Valley Fills is Substantial and Irreversible*, at http://www.earthjustice.org/policy/pdf/EIS_fact_sheet.pdf.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ Gammett Fleming, Inc., *Environmental Impact Statement Mountaintop/Valley Fill Mining in Central Appalachia Economic Consequences Report*, 4/23/2002, 1, 10.

acres or less. The Gannett Fleming study demonstrated that this restriction would least impact the surrounding environment, both aquatic and terrestrial. Next, enforce current regulations, such as the "stream buffer zone rule," which will reduce the impacts of overburden to stream quality and quantity. Monitoring by GFM or the state SMRA agency of "approximate original contour" compliance would force coal companies to perform their required reclamation practices. Also, add regulations to include harsh penalties for noncompliance. This would be an additional incentive for coal to "clean up its act." Lastly, environmental justice concerns must be addressed, so that affected populations do not feel powerless and dismissed by the coal companies or their own government.

Almost Heaven, West Virginia is becoming Almost Leveled, West Virginia. Let's not let that happen.

1-8

REC'D AUG 18 2003

August 04, 2003

Dear Mr. Jansen,

I am writing in regards to the draft EIS (Environmental Impact Statement).

Where I am from, the only good jobs are coal-mining jobs. The cost of living has gotten so high that if you don't work in the mining industry it would be hard to feed your family. Everyone cannot be doctors, lawyers or dentists, coal-mining is the only thing left in this part of the country.

11-1-2

My father has worked the strip mines for 25 or 30 years, my husband's father also. Now, my husband has worked in the underground mines since 1990 and has made a decent living to raise our children with.

I disagree with the Environmentalists when they say that mining destroys the land. There is a old - reclaimed mine near our home that every one rides 4-wheeler on. It is beautiful, grass has been sown along with many types of trees. Small ponds were made for the animals too. The animals have increased in population, they are safe to roam for miles and miles. We would not have this place to go see all the animals if it were

7-2-2

mead

not for the strip mine. Every strip mine
we ever seen has made better than
it was before it started. The environmentalists
do not live in this area and don't know
what they are talking about! They should
see some of what we see every day!

So, Please vote no, do not accept the
proposal "as is" it would destroy this
country!

Thank you for taking the time
to read this and God bless you!

Sincerely,
Mrs. Patricia Napier

Ann Nelson

Date: 1/05/2004

City: Terra Alta State: WV Zip: 26764

I am opposed to the continued destruction of mountain tops in West Virginia. Our ecology is slowly being permanently ruined, along with highly valuable sources of clean water that surely are worth as much as the coal that is being removed. In the next millennium, the shortsightedness of the Bush administration will be written about in history books. And water shortages will be the causes of many wars and much litigation.

1-9

11530

Nanette Nelson
Laconia, NH

When I sat down last night and thought about this meeting, I became both sad and angry. The very subject of MTR injures up extreme emotions for true coalfield residents. Those of us who have lived in our communities for many generations are one with the land. Not many people can understand this concept. You just have to know our hearts.

I want to impress on you the true cost of MTR. We hear that the DEP, EPA, and other agencies plus industry want to rely on so called scientific data. But the data always seems to suit their wants and needs. Certainly not the coalfield residents. How do you gather scientific data on people, their feelings, their hopes and dreams. You cannot. This EIS statement is a sham and it is a disgrace to even present to the people of this state.

You want to talk about economic development. Where is it? According to the DEP website there are 363 active mining permits in Boone Co.. They say that MTR sites can be made into economic development sites. Where are they? There are 79 active MTR sites now, and I doubt that there will ever be any kind of economic development on Big Coal River. Our county has terrible conditions around MTR sites. Property values have gone down. People could never get enough out of their homes to buy an equivalent home elsewhere. People have worked all their lives to have a home only to see it's value go to almost nothing. Whitesville and Madison are only ghosts of what they once were. Everywhere there is MTR, community death follows. People have left because they can't stand living in the conditions caused by MTR. Our schools have been closing. We have lost many schools in our county in the past few years. Need I say More?

11-3-5

They say that MTR is wonderful for wildlife. If that is so why is the wildlife coming down into our yards looking for food? They never did that before. You never hear a whippoorwill any more. Big Coal River used to be full of fresh water muskells. They were huge. They were everywhere in the river. They are all gone now. You have poisoned and polluted and blasted and dusted the environment to death. Not to mention the unprecedented flooding that is occurring somewhere every time we have a rain event. This used to be rare, now it is becoming commonplace. And who pays? As usual FEMA is called in and Federal tax dollars are used to try to help these families recover. But even this is a sham. FEMA doesn't even come close to paying enough to put these poor people on the road to recovery. Some of these families will never have normal lives again. Again the coal and timber companies get off scott free. Where is the justice in this? When is this ever going to end? When you have destroyed the lives of everyone or have run the rest of us off so you can have free reign to do whatever you want with no one to see? I truly believe that this is your goal. You wish that we would just all go away. But we are not going anywhere. So don't get your hopes up!

6-1-5

Bill Ramsey
You say that MTR is a safer mining method. For whom? I imagine that it is for the person sitting in a big air conditioned piece of equipment. But what about the people who have to live around these sites? Remember, these folks didn't move in on you, you moved in on top of them. Is MTR safer for these residents? I think not. I want you to know something. I am not against coal mining. I am against irresponsible mining methods. My husband worked underground for many years. The true miners knew the dangers, and so did their families. They accepted that danger. These men exposed themselves to these dangers every day. They exposed themselves, no one else. They are the true brave men. The people who work the MTR sites may have a safer job for themselves. However they are putting innocent people in harms way. Little children, the elderly, common people and even babies yet unborn are in danger around these sites. And you call this a safer mining method? I think not. When you put people in harms way that are not even connected to the mining industry to save your own behinds, I call that cowardice.

The true cost of MTR can never be measured. The lost forests, the poisoned water, and the lost species that our children will only hear about. But the worst cost is what is has done and is doing to the people. The mental anguish of people can never be measured. I have seen a man cry when he talked about the destruction around him. But the worst to me is the little ones who are terrified of the rain. Those children who have lived through floods are scared to

17-2-2

Nanette Nelson
Laconia, NH

death to go to bed when it rains. They sleep with their clothes on. How can people have good mental health with their world being destroyed around them? Depression is common and so is anxiety. These are problems that are created overnight. You have caused these problems, and it is up to you to fix them. It is time for these regulators to have some backbone and tell these companies to clean up their act.

I AM AGAINST
MTR

Paul E. Nelson

Gentlemen, I have in my hands a list of 363 active mining permits in Boone Co. alone. Not counting the many pending permits. You talk about economic development. Where is it? I haven't seen it.

You keep talking that you need MTR because of the jobs it creates. Actually MTR is eliminating jobs. I was an underground miner. The mine that I worked at employed over three hundred men. A company can operate an MTR site with as few as twenty men. You call that job creation? I don't. When I went to work I put myself in danger no one else. MTR puts everyone in danger. When I worked underground the company would fuss about an 8 inch middle band of rock in an 8 foot seam of pure steam coal. But you say you can make money moving whole mountains for a small seam of coal. The economics don't add up. You talk about the wonderful habitat for wildlife that MTR creates. If it is so wonderful why is the wildlife coming down into our communities to eat. We don't have an overpopulation of wildlife it is the fact that their habitat is being destroyed.

The danger posed to the environment not only by the MTR operations but also the booby traps that they have littered the hillsides with. Everyplace you turn is gated off. What if a child would get into one of these. Are these companies above the law? In West Virginia they seem to be. What about the VIETNAM VETS? They were a lot of good young men that were INJURED and KILLED due to BOOBY TRAPS. Why are we having to face the same thing here in OUR WEST VIRGINIA MOUNTAINS. Is this not the UNITED STATES OF AMERICA?

It is time for a drastic change. It is up to you to have the courage to stand up to the Bush administration and demand that the people be protected, not the industry barons.

The CON. THAT I READ DOES NOT SAY THAT
A CORPORATION FEW HAD THE POWER TO
MAKE US LIVE WITH LEGAL LIGED TARK.
NOR THAT THEY ARE ABOVE THE LAW.
WE ARE SUPPOSE TO BE FREE AND
LIVE WITH FEAR FROM OUR OWN
COUNTY (THE UNITED STATES OF AMERICA).

1-9

Issued Mining Permits

(363) Issued permits for BOONE					
Permittee	Type	Permit ID	Issued Date	Facility Name	Current Status
ANKER ENERGY CORPORATION	Prospect	P500998	03/12/1998	FISH PROPERTY NO. 2	New
ARK LAND CO	Prospect	P500499	02/08/1999	HOBET 21: ALMA HORIZON	New
ARK LAND CO	Prospect	P501301	05/02/2001	H21: CAMP CREEK	New
ARK LAND CO	Prospect	P502001	06/11/2001	H21 LITTLE HORSE CREEK PROSPEC	New
ARK LAND CO	Prospect	P502300	07/10/2000	ARK LAND	New
ARK LAND CO	Prospect	P503101	08/28/2001	OTTAWA ALMA 2	New
ARK LAND CO	Prospect	P505398	12/02/1998	HOBET 21: CHILTON HORIZON	New
ARK LAND COMPANY	Prospect	P502102	09/16/2002	HEWITT CREEK 2002	New
ARK LAND COMPANY	Prospect	P502802	01/07/2003	CAMP CREEK NO. 2 GAS	New
ASSET MINING, LLC	Coal Surface Mine	S502496	02/26/1997	HOPKINS FORK SURFACE	Renewed
ASSET MINING, LLC	Coal Surface Mine	S503095	06/03/1996	FROZEN HOLLOW SURFACE	Renewed
BLACKHEART MINING, INC	Prospect	P503490	07/13/1990		New
BOONE COUNTY AIR, L.L.C.	Quarry	Q503498	04/25/2000	PROPOSED QUARRY	Renewed
BUFFALO MINING CO	Coal Surface Mine	S503295	05/28/1998	TONEY FORK SURFACE #1	New
BUFFALO MINING CO	Coal Surface Mine	S503395	05/28/1998	TONEY FORK SURFACE #2	New
BURCO RESOURCES CORP	Coal Surface Mine	S501690	12/14/1990		Phase 1 Released
CALLISTO COAL COMPANY INC	Coal Surface Mine	S500900	11/15/2001	CALLISTO SURFACE MINE	New
CANNELTON INDUSTRIES	Coal Underground	D008082	07/16/1982		Renewed

CANNELTON INDUSTRIES INC	Coal Underground	D008882	08/02/1982		Renewed
CANNELTON INDUSTRIES INC	Coal Underground	U004385	06/07/1985		Phase 1 Released
CATENARY COAL CO	Other	Q301298	10/13/2000	MOCCASIN HOLLOW IMPOUNDMENT	New
CATENARY COAL CO	Other	Q302590	07/05/1991	CABIN CREEK HAULROAD	Renewed
CATENARY COAL CO	Prospect	P303398	02/09/1999	FOURMILE BR PROSPECT PERMIT	New
CATENARY COAL CO	Coal Surface Mine	S300495	10/01/1996	SAMPLES MINE EXTENSION	Renewed
CATENARY COAL CO	Coal Surface Mine	S301000	11/15/2001	White Oak Extension	New
CC COAL COMPANY	Coal Surface Mine	S300796	03/06/1997	FOURMILE FK SURFACE MINE	Renewed
CC COAL COMPANY	Coal Surface Mine	S500192	10/18/1993	HORSE CREEK MINE	Renewed
CC COAL COMPANY	Coal Surface Mine	S500394	12/29/1994	ORGAS #3	Incremental Phase 1 Release
CC COAL COMPANY	Coal Surface Mine	S500491	04/15/1991		Renewed
COLONY BAY COAL CO	Haulroad	H022400	07/29/1976	HAULROAD	Renewed
COLONY BAY COAL CO	Coal Surface Mine	S000781	01/16/1981	SURFACE MINE	Renewed
COLONY BAY COAL CO	Coal Surface Mine	S001581	01/18/1981		Renewed
COLONY BAY COAL CO	Coal Surface Mine	S500982	11/30/1990		Active
COLONY BAY COAL CO	Coal Surface Mine	S502294	11/22/1996	(OLD) S-67-83 & S-86-84	Renewed
COLONY BAY COAL CO	Coal Underground	U007185	10/31/1985		Active
COLONY BAY COAL CO	Coal Underground	U500702	02/14/2003	STOCKTON MINE	New
DAKOTA MINING INC	Prospect	P501100	03/16/2000	CASEY NO. 3	New
DAKOTA MINING INC	Prospect	P503299	07/27/1999	CASEY NO. 2 PROSPECT	New
DAKOTA MINING INC	Prospect	P503600	12/15/2000	CASEY NO. 4	New
DAKOTA MINING INC	Coal Underground	U503196	07/29/1997	CASEY # 1	Renewed
DAKOTA	Coal				

ASSOCIATED COAL CORP.	Other	Q016583	11/28/1983		Renewed
EASTERN ASSOCIATED COAL CORP.	Other	Q500686	04/15/1986		Phase 2 Released
EASTERN ASSOCIATED COAL CORP.	Other	Q500786	04/08/1986		Phase 1 Released
EASTERN ASSOCIATED COAL CORP.	Other	Q509186	12/30/1986		Renewed
EASTERN ASSOCIATED COAL CORP.	Prospect	P017181	12/02/1981		New
EASTERN ASSOCIATED COAL CORP.	Prospect	P500300	03/20/2000	WINIFREDE 13 AND 14	New
EASTERN ASSOCIATED COAL CORP.	Prospect	P501103	06/03/2003	HARRIS NO. 1 RESERVE AREA	New
EASTERN ASSOCIATED COAL CORP.	Prospect	P501203	04/14/2003	MIDDLE KITTANNING	New
EASTERN ASSOCIATED COAL CORP.	Prospect	P501303	04/24/2003	LEWISTON DEEP MINE	New
EASTERN ASSOCIATED COAL CORP.	Prospect	P501700	05/10/2000	EASTERN ASSOCIATED CORP.	New
EASTERN ASSOCIATED COAL CORP.	Prospect	P501802	06/10/2002	ROCKLICK RESERVE AREA	New
EASTERN ASSOCIATED COAL CORP.	Prospect	P502002	08/20/2002	ROCKLICK RESERVE AREA	New
EASTERN ASSOCIATED COAL CORP.	Prospect	P502201	06/26/2001	POWELLTON RESERVE AREA	New
EASTERN ASSOCIATED COAL CORP.	Prospect	P502202	12/05/2002	EASTERN ASSOCIATED COAL CORP.	New
EASTERN ASSOCIATED COAL CORP.	Prospect	P502700	08/08/2000	WINIFREDE 16 MINE	New
EASTERN ASSOCIATED COAL CORP.	Prospect	P502900	10/02/2000	ROCKLICK RESERVE AREA	New
EASTERN					

EAGLE ENERGY INC	Other	0004383	03/29/1983		Inactive
EAGLE ENERGY INC	Other	0506086	12/23/1986		Renewed
EAGLE ENERGY INC	Coal Underground	U003483	02/10/1983		Inactive
EAGLE ENERGY INC X	Prospect	P501797	04/24/1997		New
EAGLE ENERGY INC X	Prospect	P502097	05/22/1997	WEST SIDE PROSPECT II	New
EASTERN ASSOCIATED COAL CORP.	Coal Underground	D000382	09/16/1982		Phase 2 Released
EASTERN ASSOCIATED COAL CORP.	Coal Underground	D004882	02/12/1982		Phase 2 Released
EASTERN ASSOCIATED COAL CORP.	Coal Underground	D008482	07/20/1982		Renewed
EASTERN ASSOCIATED COAL CORP.	Haulroad	H053400	08/27/1980		Renewed
EASTERN ASSOCIATED COAL CORP.	Haulroad	H060700	01/26/1993		Renewed
EASTERN ASSOCIATED COAL CORP.	Other	0000483	01/07/1983		Renewed
EASTERN ASSOCIATED COAL CORP.	Other	0000683	01/07/1983		Renewed
EASTERN ASSOCIATED COAL CORP.	Other	0000882	02/02/1982		Renewed
EASTERN ASSOCIATED COAL CORP.	Other	0001383	01/24/1983		Renewed
EASTERN ASSOCIATED COAL CORP.	Other	0002083	01/24/1983		Phase 1 Released
EASTERN ASSOCIATED COAL CORP.	Other	0006282	11/08/1982		Renewed
EASTERN ASSOCIATED COAL CORP.	Other	0007282	12/17/1982		Renewed
EASTERN ASSOCIATED COAL CORP.	Other	0007482	12/17/1982		Renewed

EASTERN ASSOCIATED COAL CORP.	Prospect	P504999	11/30/1999	PROSPECT	New
EASTERN ASSOCIATED COAL CORP.	Coal Surface Mine	S005385	06/12/1985		Inactive
EASTERN ASSOCIATED COAL CORP.	Coal Surface Mine	S008780	09/09/1980		Renewed
EASTERN ASSOCIATED COAL CORP.	Coal Surface Mine	S502086	02/10/1986		Renewed
EASTERN ASSOCIATED COAL CORP.	Coal Underground	U002083	02/09/1983		Renewed
EASTERN ASSOCIATED COAL CORP.	Coal Underground	U007385	11/12/1985		Inactive
EASTERN ASSOCIATED COAL CORP.	Coal Underground	U008983	05/12/1983		Renewed
EASTERN ASSOCIATED COAL CORP.	Coal Underground	U014382	12/17/1982		Renewed
EASTERN ASSOCIATED COAL CORP.	Coal Underground	U014482	12/17/1982		Renewed
EASTERN ASSOCIATED COAL CORP.	Coal Underground	U014982	12/17/1982		Renewed
EASTERN ASSOCIATED COAL CORP.	Coal Underground	U015082	12/17/1982		Renewed
EASTERN ASSOCIATED COAL CORP.	Coal Underground	U051500	01/15/1980		Renewed
EASTERN ASSOCIATED COAL CORP.	Coal Underground	U401790	09/27/1990		Phase 1 Released
EASTERN ASSOCIATED COAL CORP.	Coal Underground	U500497	05/23/1997	WINIFREDE 13A MINE	Renewed
EASTERN ASSOCIATED COAL CORP.	Coal Underground	U500602	02/14/2003	WINIFREDE NO. 16 MINE	New
EASTERN ASSOCIATED COAL CORP.	Coal Underground	U500693	03/02/1994	WINIFREDE #13	Renewed

EASTERN ASSOCIATED COAL CORP.	Coal Underground	U500828	05/18/1999	POWELLTON NO 2	New
EASTERN ASSOCIATED COAL CORP.	Coal Underground	U500998	05/18/1999	POWELLTON NO. 3	New
EASTERN ASSOCIATED COAL CORP.	Coal Underground	U501386	06/23/1986		Phase 1 Released
EASTERN ASSOCIATED COAL CORP.	Coal Underground	U501601	04/05/2002	WINIFREDE NO. 12	New
EASTERN ASSOCIATED COAL CORP.	Coal Underground	U501602	06/03/2003	Campbell Creek No.14 Deep Mine	New
EASTERN ASSOCIATED COAL CORP.	Coal Underground	U501896	09/22/1997	WINIFREDE 15 MINE	Renewed
EASTERN ASSOCIATED COAL CORP.	Coal Underground	U503593	01/20/1995	HERNSHAW NO 13P DEEP MINE	Phase 2 Released
EASTERN ASSOCIATED COAL CORP.	Coal Underground	U506986	09/09/1986		Phase 2 Released
EASTERN ASSOCIATED COAL CORP.	Coal Underground	U507086	09/09/1986		Inactive
ELK RUN COAL COMPANY INC	Coal Underground	D000182	01/06/1982		Renewed
ELK RUN COAL COMPANY INC	Coal Underground	D002182	02/12/1982		Renewed
ELK RUN COAL COMPANY INC	Haulroad	H055700	10/31/1980		Renewed
ELK RUN COAL COMPANY INC	Other	Q501496	11/04/1996	BLUE PENNANT/TWILIGHT HAULROAD	Renewed
ELK RUN COAL COMPANY INC	Other	Q504293	03/07/1995	CHESS PROCESSING COAL REFUSE	Renewed
ELK RUN COAL COMPANY INC	Other	Q507891	05/19/1992		Renewed
ELK RUN COAL COMPANY INC	Prep Plant	P047000	03/25/1980		Renewed
ELK RUN COAL COMPANY INC	Prospect	P500195	01/17/1995		New
ELK RUN COAL COMPANY INC	Prospect	P500603	04/08/2003	ELK RUN PROSPECT	New
ELK RUN COAL COMPANY INC	Prospect	P500803	05/19/2003	PROSPECT	New

ELK RUN COAL COMPANY INC	Prospect	P501597	04/09/1997		New
ELK RUN COAL COMPANY INC	Prospect	P501899	07/14/1999	WHITE KNIGHT NO. 3. PROSPECT	New
ELK RUN COAL COMPANY INC	Prospect	P502502	01/14/2003	ELK RUN COAL COMPANY	New
ELK RUN COAL COMPANY INC	Prospect	P502792	07/01/1992		New
ELK RUN COAL COMPANY INC	Prospect	P503999	10/25/1999	LAXARE PROSPECT NO. 2	New
ELK RUN COAL COMPANY INC	Prospect	P504096	09/09/1996		New
ELK RUN COAL COMPANY INC	Prospect	P504295	11/13/1995		New
ELK RUN COAL COMPANY INC	Prospect	P504796	10/24/1996		New
ELK RUN COAL COMPANY INC	Prospect	P504898	11/09/1998	PROSPECT	New
ELK RUN COAL COMPANY INC	Prospect	P505198	05/10/1999	LAXARE PROSPECT	New
ELK RUN COAL COMPANY INC	Coal Surface Mine	S502300	01/14/2003	BLACK CASTLE CONTOUR SURFACE	New
ELK RUN COAL COMPANY INC	Coal Surface Mine	S502898	06/11/2003	WEST OF STOLLINGS	New
ELK RUN COAL COMPANY INC	Coal Surface Mine	S505792	09/01/1994	EAST OF STOLLINGS SURFACE MINE	Renewed
ELK RUN COAL COMPANY INC	Coal Surface Mine	S507586	11/07/1986		Renewed
ELK RUN COAL COMPANY INC	Coal Surface Mine	S600687	05/13/1987		Renewed
ELK RUN COAL COMPANY INC	Coal Surface Mine	S601189	08/02/1989		Renewed
ELK RUN COAL COMPANY INC	Coal Surface Mine	S601487	07/28/1987		Renewed
ELK RUN COAL COMPANY INC	Coal Surface Mine	S602688	12/20/1988		Renewed
ELK RUN COAL COMPANY INC	Coal Underground	U039700	03/20/1979		Phase 1 Released
ELK RUN COAL COMPANY INC	Coal Underground	U066200	11/26/1980		Phase 2 Released
ELK RUN COAL COMPANY INC	Coal Underground	U066300	07/08/1987		Renewed
ELK RUN COAL COMPANY INC	Coal Underground	U068100	01/16/1981		Renewed
ELK RUN COAL COMPANY INC	Coal Underground	U500694	02/09/1995	BLACK BISHOP	Renewed

COMPANY INC	Underground	U501498	12/01/1998	BLACK KNIGHT III	New
ELK RUN COAL COMPANY INC	Coal Underground	U502200	10/22/2002	WHITE KNIGHT MINE	New
ELK RUN COAL COMPANY INC	Coal Underground	U502400	06/19/2002	BLACK KING I	New
ELK RUN COAL COMPANY INC	Coal Underground	U503297	12/05/1997	TWILIGHT WINIFRED MINE	Phase 1 Released
ELK RUN COAL COMPANY INC	Coal Underground	U504792	03/14/1994	BISHOP II DEEP MINE	Phase 1 Released
ELK RUN COAL COMPANY INC	Coal Underground	U506091	02/07/1992	WHITE KNIGHT MINE	Renewed
ELK RUN COAL COMPANY INC	Coal Underground	U600787	05/13/1987		Renewed
ELK RUN COAL COMPANY INC	Coal Underground	U600789	07/28/1989		Renewed
EUROPA COAL COMPANY INC	Coal Underground	U502499	05/11/2000	EUROPA MINE	New
HILLSIDE MINING COMPANY	Coal Surface Mine	S501202	03/27/2003	Highwall Mine No. 2	New
HILLSIDE MINING COMPANY	Coal Surface Mine	S502600	07/30/2001	HIGHWALL MINE NO. 1	New
HOBET MINING INC	Coal Underground	D001981	09/14/1981		Phase 1 Released
HOBET MINING INC	Haulroad	H012000	05/26/1997		Renewed
HOBET MINING INC	Haulroad	H029100	06/29/1992		Renewed
HOBET MINING INC	Other	O000681	09/03/1981		Renewed
HOBET MINING INC	Other	O501097	06/30/1997	ANCILLARY FACILITIES	New
HOBET MINING INC	Prep Plant	P049500	05/29/1980		Renewed
HOBET MINING INC	Other	R040500	01/25/1983		Renewed
HOBET MINING INC	Coal Surface Mine	S003285	04/12/1985		Incremental Phase 2 Release
HOBET MINING INC	Coal Surface Mine	S003882	02/12/1982		Renewed
HOBET MINING INC	Coal Surface Mine	S010677	07/18/1977		Renewed
HOBET MINING INC	Coal Surface Mine	S012878	06/08/1978		Renewed
HOBET MINING INC	Coal Surface Mine	S500396	09/04/1996	HOBET 21 WEST RIDGE SURFACE	Renewed

INC	Mine			PERMIT	
HOBET MINING INC	Coal Surface Mine	S502095	11/30/1995	NORTH RIDGE SURFACE MINE	Renewed
HOBET MINING INC	Coal Surface Mine	S502497	03/16/1998	Boone Block Surface	Renewed
HOBET MINING INC	Coal Surface Mine	S502689	11/09/1989		Phase 2 Released
HOBET MINING INC	Coal Surface Mine	S502799	12/20/2002	HEWITT CREEK SURFACE MINE NO.	New
HOBET MINING INC	Coal Surface Mine	S502991	10/10/1991		Phase 2 Released
HOBET MINING INC	Coal Surface Mine	S508088	02/16/1989		Phase 2 Released
HOBET MINING INC	Coal Underground	U500599	07/21/1999	ALMA NO. 3	New
HOBET MINING INC	Coal Underground	U500894	09/07/1995	CAMP CREEK DEEP MINE	Renewed
HOBET MINING INC	Coal Underground	U500901	11/13/2002	CAMP CREEK SOUTH DEEP MINE	New
HOBET MINING INC	Coal Underground	U501495	11/13/1995	SUGARTREE DEEP MINE	Phase 2 Released
HOBET MINING INC	Other	U503698	09/01/2000	CHILTON NO. 1 MINE	New
HOLLOW MOUNTAIN RESOURCES, INC.	Haulroad	H042800	09/19/1979		Renewed
HOLLOW MOUNTAIN RESOURCES, INC.	Prospect	P501803	07/09/2003	BULL CREEK PROSPECT	New
HOLLOW MOUNTAIN RESOURCES, INC.	Coal Surface Mine	S501701	08/09/2002	BOONE NORTH NO. 1 SURFACE MINE	New
HORIZON RESOURCES, LLC	Coal Surface Mine	S501594	04/07/1997	COOK MOUNTAIN MINE	Renewed
INDEPENDENCE COAL COMPANY INC	Other	O003484	08/10/1984		Inactive
INDEPENDENCE COAL COMPANY INC	Other	O501691	09/19/1991		Renewed
INDEPENDENCE COAL COMPANY INC	Other	O504091	01/27/1993		Renewed

INDEPENDENCE COAL COMPANY INC	Prospect	P400300	03/16/2000	Independence Prospect	New
INDEPENDENCE COAL COMPANY INC	Prospect	P500402	03/06/2002	RAMO PROSPECT	New
INDEPENDENCE COAL COMPANY INC	Prospect	P500800	03/30/2000	INDEPENDENCE COAL	New
INDEPENDENCE COAL COMPANY INC	Prospect	P501001	04/11/2001	CAZY MOUNTAIN PROSPECT	New
INDEPENDENCE COAL COMPANY INC	Prospect	P501400	04/10/2000	BULL CREEK PROSPECT II	New
INDEPENDENCE COAL COMPANY INC	Prospect	P501501	06/05/2001	CAZY MOUNTAIN	New
INDEPENDENCE COAL COMPANY INC	Prospect	P502402	10/17/2002	JUSTICE NO. 1 NORTH EAST RESER	New
INDEPENDENCE COAL COMPANY INC	Prospect	P502600	08/09/2000	LAUREL CREEK PROSPECT	New
INDEPENDENCE COAL COMPANY INC	Prospect	P503400	09/20/2000	EAGLE SEAM	New
INDEPENDENCE COAL COMPANY INC	Prospect	P503499	07/15/1999	JAMES CREEK TWILIGHT	New
INDEPENDENCE COAL COMPANY INC	Prospect	P503901	11/16/2001	WCCSM PROSPECT	New
INDEPENDENCE COAL COMPANY INC	Coal Surface Mine	S400500	05/07/2001	FALCON SURFACE MINE	Inactive
INDEPENDENCE COAL COMPANY INC	Coal Surface Mine	S400800	12/20/2002	Crescent No. 1 Surface Mine	New
INDEPENDENCE COAL COMPANY INC	Coal Surface Mine	S500398	06/03/1998	TWILIGHT II SURFACE MINE	Renewed
INDEPENDENCE COAL COMPANY INC	Coal Surface Mine	S501200	06/17/2003	LAXARE EAST SURFACE MINE	New
INDEPENDENCE COAL COMPANY INC	Coal Surface Mine	S501400	01/12/2001	RAMO SURFACE MINE	New
INDEPENDENCE COAL COMPANY INC	Coal Surface Mine			TWILIGHT MTR	

INDEPENDENCE COAL COMPANY INC	Coal Surface Mine	S502401	06/03/2003	LEXERD SURFACE MINE	New
INDEPENDENCE COAL COMPANY INC	Coal Surface Mine	S502798	12/18/2002	TWILIGHT III SURFACE MINE	New
INDEPENDENCE COAL COMPANY INC	Coal Surface Mine	S503097	11/19/1997	RED CEDAR SURFACE MINE NO. 1	Renewed
INDEPENDENCE COAL COMPANY INC	Coal Surface Mine	S503195	03/12/1996	WEST CAZY SURFACE MINE	Renewed
INDEPENDENCE COAL COMPANY INC	Coal Surface Mine	S505889	07/31/1990		Renewed
INDEPENDENCE COAL COMPANY INC	Coal Underground	U002685	04/23/1985		Renewed
INDEPENDENCE COAL COMPANY INC	Coal Underground	U005783	03/09/1983		Renewed
INDEPENDENCE COAL COMPANY INC	Coal Underground	U500594	02/09/1995	BLACK KING	Renewed
INDEPENDENCE COAL COMPANY INC	Coal Underground	U500899	12/17/1999	COALBURG DEEP MINE NO. 1	New
INDEPENDENCE COAL COMPANY INC	Coal Underground	U501197	01/19/1998	JAMES CK WINIFREDE MINE 1	Renewed
INDEPENDENCE COAL COMPANY INC	Coal Underground	U501295	08/18/1995	TWILIGHT CHILTON R MINE	Renewed
INDEPENDENCE COAL COMPANY INC	Coal Underground	U501297	01/19/1998	JAMES CK WINIFREDE MINE 2	Renewed
INDEPENDENCE COAL COMPANY INC	Coal Underground	U501298	03/27/2000	JACKS BRANCH COMPLEX	New
INDEPENDENCE COAL COMPANY INC	Coal Underground	U501398	11/25/1998	JUSTICE NO. 1 DEEP MINE	New
INDEPENDENCE COAL COMPANY INC	Coal Underground	U501695	08/18/1995	JACKS BR BUFFALO CK	Renewed
INDEPENDENCE COAL COMPANY INC	Coal Underground	U501887	05/21/1987		Inactive

JOFFER COAL	CO INC	Underground	U022283	11/28/1983	Inactive
JOFFER COAL	CO INC	Coal	U022983	12/28/1983	Renewed
JOFFER COAL	CO INC	Coal	U023083	12/28/1983	Renewed
JOFFER COAL	CO INC	Coal	U500886	04/01/1986	Phase 2 Released
KANAWHA COAL CO	Reprocessing	Underground	R000683	08/04/1983	Phase 1 Released
KANAWHA EAGLE COAL LTC	Haulroad		H022800	07/21/1976	Renewed
KANAWHA EAGLE COAL LTC	Coal	Underground	U601087	06/16/1987	Renewed
LOADOUT, LLC	Haulroad		O501001	11/22/2002	New
LOADOUT, LLC	Other		O501099	12/08/1999	New
LOADOUT, LLC	Other		O501399	03/31/2000	New
LOADOUT, LLC	Other		O501800	07/30/2001	New
LOADOUT, LLC	Other		O502198	02/23/1999	Inactive
LOADOUT, LLC	Prep Plant		O502501	05/09/2003	New
LOADOUT, LLC	Other		O502601	07/08/2003	New
LOADOUT, LLC	Prospect		P500500	02/17/2000	New
LOADOUT, LLC	Prospect		P500900	02/28/2000	New
LOADOUT, LLC	Prospect		P501003	06/10/2003	New
LOADOUT, LLC	Prospect		P501199	03/25/1999	New
LOADOUT, LLC	Prospect		P501300	03/28/2000	New
LOADOUT, LLC	Prospect		P502199	05/10/1999	New
LOADOUT, LLC	Prospect		P502401	06/26/2001	New
LOADOUT, LLC	Prospect		P502602	01/14/2003	New
LOADOUT, LLC	Prospect		P502901	08/01/2001	New
JOFFER COAL	PROSPECT NO. 23				

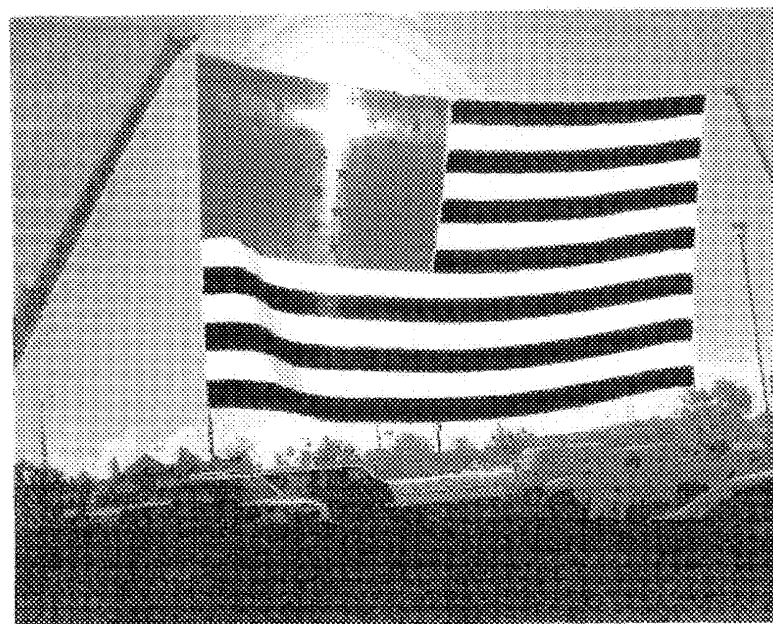
LOADOUT, LLC	Prospect	P503201	08/14/2001	LOCUST FORK PROSPECT NO. 26	New
LOADOUT, LLC	Prospect	P503301	08/14/2001	PROSPECT NO. 25	New
LOADOUT, LLC	Prospect	P503398	08/04/1998	NO. 1(?)	New
LOADOUT, LLC	Prospect	P503700	10/17/2000	FORK CREEK MINING COMPANY	New
LOADOUT, LLC	Prospect	P503800	10/17/2000	FORK CREEK MINING COMPANY	New
LOADOUT, LLC	Prospect	P503898	09/08/1998	PROSPECT	New
LOADOUT, LLC	Prospect	P504098	09/21/1998	FORK CREEK PROPERTY #7	New
LOADOUT, LLC	Prospect	P504201	11/16/2001	LOCUST FORK SURFACE MINE	New
LOADOUT, LLC	Coal Surface Mine	S001383	02/02/1983		Phase 1 Released
LOADOUT, LLC	Coal Surface Mine	S003583	06/02/1983		Phase 1 Released
LOADOUT, LLC	Coal Surface Mine	S010277	07/18/1977		Phase 1 Released
LOADOUT, LLC	Coal Surface Mine	S504090	10/20/1993	NELLIS MINE	Renewed
LOADOUT, LLC	Coal Underground	U049000	11/19/1979		Phase 1 Released
LOADOUT, LLC	Coal Underground	U502298	02/23/1999	FORK CREEK MINE NO. 1	Inactive
LOADOUT, LLC	Coal Underground	U503991	11/30/1992	HAMPTON NO. 46 DEEP MINE	Renewed
MOUNTAIN VIEW COAL COMPANY	Coal Underground	D003182	10/15/1982		Phase 1 Released
MOUNTAIN VIEW COAL COMPANY	Coal Underground	D058700	12/18/1981		Phase 2 Released
MOUNTAIN VIEW COAL COMPANY	Coal Underground	E009900	01/18/1981		Phase 1 Released
MOUNTAIN VIEW COAL COMPANY	Haulroad	H006600	05/21/1974		Phase 2 Released
MOUNTAIN VIEW COAL COMPANY	Haulroad	H037000	10/31/1978		Phase 1 Released
MOUNTAIN VIEW COAL COMPANY	Haulroad	H037900	10/28/1978		Phase 2 Released
MOUNTAIN VIEW COAL COMPANY	Coal Surface Mine	I062700	01/18/1981	SHOP & MAINTENANCE AREA	Phase 2 Released

VIEW COAL COMPANY	Other	O001683	01/24/1983		Renewed
MOUNTAIN VIEW COAL COMPANY	Other	O002182	05/20/1982		Inactive
MOUNTAIN VIEW COAL COMPANY	Other	R075300	01/18/1981		Phase 1 Released
MOUNTAIN VIEW COAL COMPANY	Coal Surface Mine	S003880	05/05/1980		Phase 1 Released
MOUNTAIN VIEW COAL COMPANY	Coal Surface Mine	S010283	12/14/1983		Phase 1 Released
MOUNTAIN VIEW COAL COMPANY	Coal Surface Mine	S010380	10/14/1980		Renewed
MOUNTAIN VIEW COAL COMPANY	Coal Surface Mine	S019377	11/23/1977		Phase 1 Released
MOUNTAIN VIEW COAL COMPANY	Coal Surface Mine	S021875	09/23/1975		Phase 1 Released
MOUNTAIN VIEW COAL COMPANY	Coal Surface Mine	S601586	09/22/1987	CUT 30	Renewed
OMAR MINING COMPANY	Coal Underground	D002282	02/12/1982		Renewed
OMAR MINING COMPANY	Coal Underground	E004900	01/18/1981		Phase 1 Released
OMAR MINING COMPANY	Coal Underground	E005000	01/18/1981		Phase 1 Released
OMAR MINING COMPANY	Coal Underground	E005300	01/18/1981		Phase 1 Released
OMAR MINING COMPANY	Haulroad	H021200	04/09/1976		Renewed
OMAR MINING COMPANY	Haulroad	H039600	04/02/1979		Renewed
OMAR MINING COMPANY	Other	O501992	03/22/1994	CHESTERFIELD PREPARATION PLANT	Renewed
OMAR MINING COMPANY	Other	O509588	03/13/1989		Renewed
OMAR MINING COMPANY	Prospect	P501097	03/13/1997		New
OMAR MINING COMPANY	Coal Surface Mine	S007076	01/09/1976		Renewed
OMAR MINING	Coal Surface	S500287	06/18/1987		Active

OMAR MINING COMPANY	Coal Underground	U007685	11/25/1985		Inactive
OMAR MINING COMPANY	Coal Underground	U010600	06/13/1977		New
OMAR MINING COMPANY	Coal Underground	U019100	11/15/1977		Inactive
OMAR MINING COMPANY	Coal Underground	U040300	04/06/1979		Phase 1 Released
OMAR MINING COMPANY	Coal Underground	U500496	05/13/1997	PIN OAK MINE	Renewed
OMAR MINING COMPANY	Coal Underground	U500987	04/07/1987		Phase 1 Released
OMAR MINING COMPANY	Coal Underground	U501291	09/18/1991		Renewed
OMAR MINING COMPANY	Coal Underground	U501892	05/14/1993	SCOTCH PINE NO. 1 DEEP MINE	Renewed
OMAR MINING COMPANY	Coal Underground	U502191	11/16/1995	WHITE OAK DEEP MINE	Inactive
OMAR MINING COMPANY	Coal Underground	U502291	10/10/1991		Renewed
OMAR MINING COMPANY	Coal Underground	U504390	03/29/1991		Phase 2 Released
OMAR MINING COMPANY	Coal Underground	U505589	12/01/1989		Phase 1 Released
PANTHER COAL CO	Prospect	P301697	06/11/1997	PROSPECT	New
PEACHTREE RIDGE MINING COMPANY INC	Other	Q000682	02/03/1982		Phase 1 Released
PEACHTREE RIDGE MINING COMPANY INC	Other	Q502290	11/26/1990		Renewed
PEACHTREE RIDGE MINING COMPANY INC	Coal Underground	U500186	03/06/1986		Phase 1 Released
PEACHTREE RIDGE MINING COMPANY INC	Coal Underground	U501790	10/31/1990		Phase 2 Released
PEACHTREE RIDGE MINING COMPANY INC	Coal Underground	U503093	04/28/1994	CLINTON NO. 8	Phase 2 Released
PERFORMANCE COAL COMPANY	Prospect	P300102	02/15/2002	Upper Big Branch No. 2 Prospec	New
PERFORMANCE COAL COMPANY	Prospect	P301401	06/08/2001	Upper Big Branch Prospect	New
PERFORMANCE	Coal Surface			DEPTV FORK SURFACE	

PERFORMANCE COAL COMPANY	Coal Surface Mine	S009684	12/04/1984		Phase 2 Released
PERFORMANCE COAL COMPANY	Coal Surface Mine	S014479	12/10/1979		Phase 2 Released
PERFORMANCE COAL COMPANY	Coal Surface Mine	S014779	12/10/1979		Phase 2 Released
PERFORMANCE COAL COMPANY	Coal Underground	U500488	04/05/1988		Inactive
PINE RIDGE COAL CO	Coal Underground	D004382	04/16/1982	FILED WITH U-6010-88	Phase 1 Released
PINE RIDGE COAL CO	Coal Underground	D006582	06/17/1982	FILED WITH U-6010-88	Phase 1 Released
PINE RIDGE COAL CO	Coal Underground	D009182	08/02/1982		Phase 1 Released
PINE RIDGE COAL CO	Coal Underground	D009282	08/02/1982		Phase 1 Released
PINE RIDGE COAL CO	Haulroad	H000600	08/04/1993	FILE W/U-6010-88	Renewed
PINE RIDGE COAL CO	Haulroad	H000800	04/19/1993	FILED W/U-6010-88	Inactive
PINE RIDGE COAL CO	Other	Q001483	01/24/1983	FILED WITH U-6010-88	Renewed
PINE RIDGE COAL CO	Other	Q002882	06/17/1982	FILED WITH U-6010-88	Renewed
PINE RIDGE COAL CO	Other	Q006983	05/17/1983	FILED WITH U-6010-88	Renewed
PINE RIDGE COAL CO	Other	Q007682	12/17/1982	FILED WITH U-6010-88	Renewed
PINE RIDGE COAL CO	Prospect	P502400	07/25/2000	LEWISTON DEEP MINE	New
PINE RIDGE COAL CO	Coal Surface Mine	S502995	03/04/1996	WILLIAMS MT SURFACE MINE	Active
PINE RIDGE COAL CO	Coal Surface Mine	S601382	12/12/1989	FILED WITH U-6010-88	Renewed
PINE RIDGE COAL CO	Coal Underground	U000983	01/07/1983	FILED WITH U-6010-88	Renewed
PINE RIDGE COAL CO	Coal Underground	U500200	05/03/2000	WHITES BRANCH DEEP MINE	New
PINE RIDGE COAL CO	Coal Underground	U501000	06/02/2000	LEWISTON DEEP MINE	New
PINE RIDGE COAL CO	Coal Underground	U503797	03/18/1998	LOGAN FORK DEEP MINE	Renewed
PINE RIDGE	Coal				

COAL CO	Underground			16	
PINE RIDGE COAL CO	Coal Underground	U601088	05/23/1988		Renewed
PINNACLE ROCK COAL CORP	Other	O505586	05/21/1986	OWNERSHIP/CONTROL CHANGE ONLY	Phase 2 Released
PRITCHARD MINING CO INC	Prospect	P301499	07/02/1999	Bull Creek Prospect	New
PRITCHARD MINING CO INC	Prospect	P301800	10/20/2000	Bull Creek Prospect 2	New
REMINGTON COAL CO INC	Prospect	P301192	06/16/1999	LaFollette Prospect	New
REMINGTON COAL CO INC	Prospect	P301700	10/03/2000	Shonk Land II Prospect	New
REMINGTON COAL CO INC	Prospect	P302001	10/05/2001	Joes Creek III Prospect	New
REMINGTON COAL CO INC	Prospect	P303098	12/30/1998	Joe's Creek Prospect Permit	New
RIVERS EDGE MINING, INC.	Coal Underground	U502700	04/27/2001	RIVERS EDGE MINE	New
WILDCAT COAL COMPANY INC	Prospect	P301901	08/02/2001	Joes Creek II Prospect	New
WILDCAT COAL COMPANY INC	Prospect	P302500	02/23/2001	Joe's Creek Prospect	New
WIND RIVER RESOURCES CORP	Coal Surface Mine	S500387	03/07/1988		Phase 1 Released
WIND RIVER RESOURCES CORP	Coal Surface Mine	S504888	10/20/1988		Phase 1 Released
WIND RIVER RESOURCES CORP	Coal Surface Mine	S505089	11/06/1989		Phase 1 Released
WIND RIVER RESOURCES CORP	Coal Underground	U504387	10/20/1987		Phase 1 Released
WIND RIVER RESOURCES CORP	Coal Underground	U504992	11/10/1992	HAMPTON NO. 44 MINE	Renewed
WIND RIVER RESOURCES CORP	Coal Underground	U509986	03/04/1987		Phase 1 Released
WIND RIVER RESOURCES CORP	Coal Underground	U510086			



----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:40 PM -----

Denis Newbold
<stroudcenter23@a
tx.net> To: R3 Mountaintop@EPA
cc: Subject: Comments on Mountaintop Mining Valley Fill

DEIS

01/06/2004 11:43
PM
Please respond to
newbold

John Forren,
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103.

Comments regarding Draft Environmental Impact Statement on Mountaintop
Mining/Valley Fills

My comments center on the absence in the Draft Environmental Impact
Statement (DEIS) of a focused consideration of the effects on downstream
ecosystems of cumulative removal of significant numbers of headwater
streams
from a drainage basin. Both the body of the DEIS and the Appendices
repeatedly raise the issue and provide sufficient information to
establish
it as a major concern. Yet there is no systematic evaluation. Nor are
the
various concerns that are raised carried through to either the Executive
Summary or to the recommendation and evaluation of alternatives. In my
view, the failure to consider downstream ecosystem impacts represents a
major omission. The issue is admittedly difficult, in part because the
impact of removing a single stream on a larger downstream receiving body

9-3-2



may be small and difficult to measure. Yet the practice of Mountaintop removal involves the potential loss of many headwater streams, with a concomitant potential for large downstream impacts. And it is precisely this sort of question that the EIS should address.

The potential importance of headwater streams to downstream ecosystems is recognized in Chapter III where it is noted that small streams "play a pivotal role in lotic ecosystems" and, among other things, "are the main conduit for export of water, nutrients, and organic matter to downstream areas." (DEIS p. III.C-11). Also, (citing Doppelt et al., 1993), "Intermittent and ephemeral headwater streams are, therefore, often largely responsible for maintaining the quality of downstream riverine processes and habitat for considerable distances." (DEIS p. III.-12). Chapter 4 further discusses the role of headwater streams in exporting food energy to downstream ecosystems (DEIS p. IV B-2), and points out that: "Filling would eliminate all aquatic and aquatic-dependant interactions that would formerly have occurred in the filled area. In areas downstream from fills, changes in the macroinvertebrate and fish communities have been observed (USEPA, 2000; Stauffer and Ferreri, 2002). Any change in community composition may impact the biotic interactions but these interactions were not studied as part of this EIS because they are often difficult to demonstrate." (DEIS IV.D-4). It further goes on to conclude that : "The permanent nature of filling would suggest that MTM/VF impacts to biotic interactions in headwater stream systems, including interactions linking terrestrial biota to the aquatic environment, may constitute a irreversible impact to this system in the

9-3-4

study area." (DEIS IV.D).

More detailed discussions of the importance of headwater streams to downstream ecosystems and the potential consequences of their elimination appear in Appendix D ("The Value of Headwater Streams: Results of a Workshop", in which I was a participant), and Appendix I ("Cumulative Impact Study"). One of the major points that emerges from the the Headwater Streams Workshop is that aquatic scientists have relatively extensive knowledge and a good understanding of the relationship between headwater and downstream ecosystems. Although quantitative specific estimates of downstream impacts are not available in the literature, and would require significant effort to develop, these are not questions that are out of reach or can be legitimately dismissed for lack of documentation. The Headwater Streams Workshop should have provided the basis for further inquiry in the development of the DEIS, but was, it seems, used as a substitute for the in-depth, comprehensive review and analysis that this question deserves.

9-3-4

The Cumulative Impact Study (Appendix I), by its very name, should have addressed the potential impact on downstream ecosystems. Yet, inexplicably, the introduction to this study states: "Indirect impacts to streams such as those that would occur downstream from filled or mined out stream areas were not evaluated in this analysis. As such, results of the direct impacts of stream metrics likely underestimates total impacts to streams." (p. iii). Despite this disclaimer, the study does note that downstream ecosystems depend on upstream ecosystems for portions of their energy flow (App I, p. 7), and warns of a potentially cascading series of downstream impacts (App. I, pp. 70-71).

Despite these acknowledgments of potential impacts, there is nowhere in the DEIS a serious attempt to assess or quantify them. It does not seem justifiable to cite the difficulty of the problem as a reason to dismiss it.

I strongly urge that the DEIS be revised to include a substantive analysis of the potential for cumulative downstream impacts, and that the information that is available on these be given reasonable consideration in the summaries and evaluations. Finally, to the extent that definitive evaluation remains lacking, the prudent policy would seem to call for more vigorous protections of headwater streams.

Sincerely
Denis Newbold

Denis Newbold
Research Scientist
Stroud Water Research Center
970 Spencer Road
Avondale PA 19311
newbold@stroudcenter.org

9-3-4

John Forren
U.S. EPA (3ES30)
1650 Arch Street
Philadelphia, PA 19103

REC'D JAN 23 2004

Dear Mr. Forren,

I am writing to you to express my disapproval of mountain top removal and the valley fills in the Appalachia areas. The overwhelming scientific evidence against this should be more than enough reason to stop it.

I am also against any laws weakening protection of our water and environment. I don't support the Alternatives #1, 2 or 3 in the EIS report. This report (Att. 2) ignores the real scientific evidence of the danger of "intr/vf".

The government should protect us and our environment.
Thank you for your time.

Mike Newell
418 Aylesford
Apt. 3
Lexington, KY 40508

1-9

1-10

1-5

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:59 PM -----

newsham@earthlink
.net To: R3 Mountaintop@EPA
cc:
12/19/2003 02:12 Subject: Comments on draft programmatic
EIS on mountaintop removal coal mining
AM

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren,

Fellas,

This is where you're gonna lose us the election.

I find it unconscionable that the Bush administration plans to
continue to let coal companies destroy Appalachia with mining
practices that level mountaintops, wipe out forests, bury
streams, and destroy communities.

1-9

This is amazingly stupid!

Sincerely,

Brad Newsham
4426 Pleasant Valley Court S.
Oakland, California 94611

cc:
Senator Barbara Boxer
Representative Barbara Lee
Senator Dianne Feinstein

----- Forwarded by David Rider/R3/USEPA/US on 01/09/2004 03:54 PM -----

Duane330@aol.com
To: R3 Mountaintop@EPA
01/06/2004 01:44 cc:
PM Subject: Comment On Mountaintop Mining EIS

To: U.S. EPA, Region 3
From: Duane G. Nichols
Date: January 6, 2004
Re: EIS on Mountaintop Mining In Appalachia

This letter of protest requests that all the streams of Appalachia be
protected from the effects of mining, especially from the valley fill
techniques associated with mountaintop removal mining. No fill should
occur closer than 100 feet from any stream, otherwise these natural
streams will be damaged forever after.

5-7-2

Consider the amount of acreage affected by mining. Here is a summary of
a recent article from the Charleston Gazette, the most authoritative
newspaper in all of West Virginia:

November 04, 2003 Strip-mined acreage up again in W.Va. West Virginia
coal operators continue to strip mine more acres than they reclaim,
according to a federal Office of Surface Mining report issued Monday. In
its annual review of West Virginia's strip mining regulatory program,
OSM said that 296,300 acres — an area nearly the size of Boone County —
is currently disturbed by mining. [Charleston Gazette, Charleston, WV].

1-5

I am a land owner in West Virginia and protest the incredibly bad
situation currently existing; and, strongly request that the situation
be reversed a.s.a.p. Please update the current EIS or start over and
generate plans that will truly protect these mountains, these hills,
these valleys and all the streams.

Duane G. Nichols
330 Dream Catcher Circle
Morgantown, WV 26508

REC'D DEC 31 2003

94 Thornton Road
Bangor, Maine 04401-3336
December 29, 2003

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren:

I write to protest the draft Environmental Impact Statement for mountaintop removal mining. It is my understanding that this draft EIS allows the continuation of current practices which severely damage or destroy much wildlife habitat, fill streams with rocks, dirt, and debris, and actually force human communities out of their homes. In my view, such destruction is unthinkable and unconscionable, and it should be illegal. It cannot possibly be justified by society's need for electricity or by any corporation's need for profits.

I think that all the federal and state agencies involved should head straight back to the drawing boards and come up with a draft proposal that treats the earth, all of its human inhabitants, and its wildlife with kindness, decency, and respect. We humans must strongly limit our immense capacity for destruction of the natural world, or we will doom ourselves.

Yours sincerely,

Karl K Norton

Dr. Karl K. Norton

----- Forwarded by David Rider/R3/USEPA/US on 01/09/2004 02:49 PM -----

jason3515@bellsouth.net
To: R3 Mountaintop@EPA
cc:
01/02/2004 11:59 AM
Subject: Don't fill our streams with waste materials

Dear Mr. John Forren EPA,

It is unconscionable that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests and bury streams in the valleys below. Mountaintop removal mining and valley fills should not be allowed and the laws and regulations that protect clean water must not be weakened. In particular, I oppose the proposal to change the stream buffer zone rule that prohibits mining activity within 100 feet of streams. This rule should be strictly enforced for valley fills and in all other cases.

Tell me what luxury I have to give up to stop this and I will find a way for all of us to do it, I promise. If we can figure out how to fly into outer space, put a PC on every desk and do surgery in utero, then we can certainly find a way to stop tearing apart the planet to accommodate energy and transportation. I know we're capable of developing the technologies needed, and making them affordable, to completely replace our dependency on fossil fuels.

I also know it's a money matter that's holding us back... it always is. But the earth is the most precious thing we have the responsibility of protecting. It's more important than any animal, human, or amount of money. Without it in good working order, we don't exist; or we do and we're miserable (see the movie Blade Runner). If you haven't noticed, the beautiful places in this country are declining daily. Each day we give up more and more land to haphazard development. We can't afford to continue at this pace. People are going to have to learn to live in new ways. It is an outrage to me that it is even a consideration up for approval to decide whether we should continue mining in certain areas or not.

The law should state plainly "If it hurts the environment in anyway, shape or form, it is NOT an option. Find another way to make your money, make your house warm, or make your car go." end of discussion! There needs to be zero tolerance for irreparable use of the earth's resources. And by the way, these things are not "resources" for us to take. They are the earth's resources; things IT needs to continue functioning properly. God did not put them here for us and our stupid cars. I'm not sure why the oil is there, but I know it's there for a reason and we probably shouldn't use all of it.

How could anyone ever sit back and decide that SUV's are more important than the marine ecosystems where oil drilling takes place, or that coal is more important than million year old mountains and streams? Humans need to realize that our arrogant refusal to live in harmony with nature makes us a virus, spreading across and taking up every last square inch of earth until there is none and we are left fighting one another like dogs over the last scraps of a meal.

Tell Bush he needs to see the big picture. He is a bad leader if he compromises the environment for any amount of money, plain and simple. If he wants my vote next term, make some changes. Otherwise forget it. I'll become President someday under the guise of making everyone richer and do this myself. I've had it! We are a wasteful people and will soon realize this, one way or another.

Sincerely,

Jason O'Brien
2801 NW 23rd Blvd Apt C24
Gainesville, FL 32605-5911

Mary O'Brien

Date: 1/06/2004

City: Eugene State: OR Zip: 97408-7167

Your May 29, 2003 Draft Environmental EIS on mountaintop mining and valley fills failed to consider "all reasonable alternatives" because it did not examine an alternative that would minimize environmental impacts. This makes illegal your choice of an alternative that would INCREASE the damage from mountaintop mining. You need to write a new Draft EIS that examines all reasonable alternatives.

Mary O'Brien

1-5

Delivered Date: 01/03/2004 01:00:52 PM

It is constantly amazing and truly nauseating to read about this topic and be invited to give my comments on this subject after over 30 years. That is 30 years of destruction. What do you want to know, exactly? How I feel about it? What MY scientific proof is? Neither matter, not now and not in the past.

Here is the real issue: Mountains and streams are being destroyed in West Virginia which do not belong to the destroyers. Nor do the mountains and streams belong to the regulators. I am sure God is not impressed by the government's legalization efforts and His word says all His creation is precious to Him.

That is the real issue. Now that YOU know the real issue, the Correct Thing To Do Is To STOP Destroying Earth and START PRESERVING THE EARTH of WEST VIRGINIA.

Sandra L. O'Hara

----- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:32 PM -----

"pokane@midmaine.
com" <pokane
cc: To: R3 Mountaintop@EPA
01/06/2004 02:00 Subject: Please Stop Destructive Mountaintop
Removal Mining
PM

Dear Mr. John Forren, Project Manager,

I was born and raised just outside of Wheeling West Virginia. I am appalled that anyone could even consider relaxing mining standards on the removal of mountain tops. The destruction of the immediate mountain is horrible enough. Add in the concurrent destruction on streams, forests, and homes caused by the removal of the ground and subsequent erosion and we create a world that will be untenable for those living there now and those to follow after them.

Peggy O'Kane
97 Court St
Houlton, ME 04730
Albania
pokane@midmaine.com

DEC 18 2003

REC'D

12/12/03

Dear Mr. Fossen,

I am writing in opposition of mountaintop removal mining.

Please help protect our beautiful state. I am 89 and I have fished many of our beautiful rivers and streams.

My family continues to hike and fish in West Virginia.

If allowed to continue, the process of mountaintop removal mining will make our state less desirable

Thank you for any help.

Yours truly,
Ethel Oldham

1-9

I am against Mountain Top removal.

The State Federal Laws are not enforced in Mountain Top removal mining like they should be.

It is true that the area diversify in industry.

It is true that small factories are built - not by outsiders - but by businessmen from this area.

Coal mining ~~will not always happen~~ ^{will not always happen} & ~~there will be a loss of this area~~ ^{there will be a loss of this area} is too serious - other industry beside coal must be created - or Eastern Kentucky will die - when the coal industry ~~does~~ ^{is} no longer exists.

I am against mountain top removal.

1-9

11-9-2

- Governor Patton said a major university would not be built in E. Ky - I challenge the coal industry to build a major university in E. Ky.

- ^{NASA} ~~the~~ ^{an} challenge center is built on the U. K. Campus in Hazard - I challenge the coal industry to build a high tech factory - that builds NASA Space Craft in Hazard.

- Any bulldozer can level land for kind factories. They don't have to Mountain Top removal.

Steven J. Olshewsky
 8703 Ariel St
 Houston TX 77074

REC'D OCT 23 2003

19-X-03

Dear John Forren U.S. EPA (3ES30)

Growing Up & Working in Eastern Kentucky, I miss the beauty of the Mountains.

Even Before leaving Kentucky, the Strip Mining process of Mountaintop Removal & Valley Fills was a Blight. I + Does Not Work & I Oppose it!

If the Federal Govt Studies Are Not Enough to Convince That This is Wrong, I can tell you it is Ugly & Ruins The Place for All of Us!

Thine in Christ,

[Signature]

1-9

**HELP STOP MOUNTAINTOP REMOVAL
 and the destruction of our waterways**

January 6, 2004 is the deadline for submitting comments on a U.S. EPA proposal to do away with a 25-year-old "buffer zone" rule that protects streams from the impacts of coal mining. President Bush also wants to make it easier for coal companies to get permits for mountaintop removal and valley fills — the most blatantly destructive mining method ever.

MESSAGE: "I oppose mountaintop removal and valley fills and any change in the buffer zone rule. I'm disappointed and angry that the federal government ignored its own studies when it proposed weakening, rather than strengthening, protections for people and the environment."

SEND TO: John Forren
 U.S. EPA (3ES30)
 1650 Arch Street
 Philadelphia, PA 19103
 mountaintop.r3@epa.gov

REC'D DEC 29 2003

For more information: www.ktc.org/action_EIS.htm or 800-349-4860

01 [Barcode]

1-10

RECEIVED

JUL 21 2003

701 Colegate
Marietta, OH 45750
17 July 2003

Mr. John Forren, US EPA (3ES30)
1650 Arch Street
Philadelphia, PA 19103

I am writing to comment on Mountaintop Removal as a means of mineral extraction. I cannot conceive of a more destructive, ignorant, selfish act.

Mineral extraction by the cheapest means for our use with total disregard of the condition of the earth we are leaving for future generations should not even be considered just for this reason.

But, of course, it only benefits a few in this generation -- for the rest of us mountaintop removal destroys streams, habitats, families, culture, causes flooding and sediment load in streams and rivers downstream -- I could elaborate for pages but that should not be necessary.

It is the responsibility of the USEPA to protect the environment. This is about as basic as it gets. I urge the USEPA to deny all future attempts to carry out this horrible activity.

Sincerely,



Marilyn Ortt

1-9

Forwarded by David Rider/R3/USEPA/US on 01/23/2004 09:38 AM -----

Marilyn Ortt
<marilynortt@charter.net>
Mountaintop@EPA
removal
01/14/2004 07:07
PM
To: R3
cc:
Subject: Mountaintop

To Whom It May Concern:

Mountaintop Removal is the most bizarre, crude, irresponsible treatment of the surface of this earth that I am aware of. Good stewardship requires sustainable use of this earth where future generations will spend their lives and try to have a good standard of living. These flattened surfaces amidst the destruction of valleys, safe drainage, destruction of wildlife habitat (and of wildlife itself) will require very expensive attention in the future. These are not even tillable flattened areas - they are monuments to a culture that apparently is willing to sacrifice the history of earlier generations and the safety and well-being of future generations to say nothing of the destruction of landforms that took millions of years to develop. ALL mountain top removal strip mining, ALL valley-fills (how innocuous that sounds) should be halted immediately. Save SOMETHING for the future - that is our responsibility as thinking organisms. We would not be surprised if a dog or cat consumed an entire supply of food and so would starve to death a few weeks later. So long as mountaintop removal is allowed, at least part of the populations has no more sense than that dog or cat. Please - consider someone besides the present owners of coal rights. Marilyn Ortt
701 Colegate Dr.
Marietta, OH 45750

1-9

----- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:32 PM -----

"clarkorwick@earthlink.net" To: R3 Mountaintop@EPA
<clarkorwick@earthlink.net> cc:
Subject: Please Stop Destructive Mountaintop

Removal Mining
01/06/2004 09:18
PM

Dear Mr. John Forren, Project Manager,

I imagine that eventually even the greed driven actions of the Cheney/Rumsfeld admin will understand that they will suffer the consequences of their reckless environmental policies along with the rest of us who aren't rich enough to buffer ourselves from disease caused by the continued enslavement to fossil fuel. Maybe when your own children are dying of cancer you will realize just how dangerous you are to those of us who know better.

I hope someday you will all be in prison drinking water fouled with petroleum.

Clark Orwick
10679 Renfaire Drive
Plantersville, TX 77363
clarkorwick@earthlink.net

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:48 PM -----

Amanda O'Shea
<mandbil@aol.com> To: R3 Mountaintop@EPA
cc:
01/02/2004 05:09 Subject: Comments on draft EIS on mountaintop removal
mining
PM

January 2, 2004
Mr. John Forren
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

Dear John Forren,

I am upset to learn that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams, and destroy communities.

I grew up in southwestern Pennsylvania; moved far away as a teenager. For many years, I took solace in difficult times in the memory of one particular place that I spent my time as a child. I used to walk along a country road, a few miles from our home, until I reached a pasture with horses and turned on a dirt road. From there, across a stream and up a big hill, and here I spent many happy, peaceful days. It was a beautiful country--clear, pure water and old, healthy trees. The owner had installed trash cans for the people who used it, so I guess there were many of us, but it was such a quiet place. It was a spot a growing girl could experience solitude and learn about the wonders of nature. In my years of travelling, I thought often of this place, and longed for the day I could return to its tranquility.

One day I went back. My parents were gone by now, but our house is still there. Many memories, but I couldn't wait to drive over to my spot in the woods; those woods were what my heart sought. Driving along that old road, everything looked the same, and I began to feel that same peace wash over me. Some things never change, I thought. I rounded the last bend, to where I knew my turn was to the dirt road, and stopped short.

I sat there, right in the middle of that twisty country road, for a long time. It was gone. Just gone. Where I had expected to see the old hill and trees and wilderness, now I saw a huge, gradually sloping mound of mud. There were some tree stumps left, the larger ones, and lots of tire tracks. Some big trucks sitting idle. I hate to think what had happened to the stream, and how much debris had been washed away before it was buried completely. The horses were still there, different ones now, of course, but somehow they looked so much more forelorn with that scene of destruction behind them than they had when it was a pretty, natural setting.

10-6-2

I had never seen anything like it. I had read, not too long before, an article about "mountaintop removal", and hadn't paid much mind to it at the time. Now, however, I was seeing firsthand what it meant to destroy an entire mountain, and all its diverse ecosystem. It was one of the worst feelings of my life, to come around the bend on that old country road and find that it was just gone, all gone. For some fleeting profit. It made me wonder if those of us who enjoyed that area would rather have paid, together, for a more environment-preserving way of mining it, if it had to be done. I still hold memories of that place dear, and regret its tragic destruction. If only there were some way to gauge the true impact of this short-sighted practice on the surrounding environment and community, I feel sure that it would be discontinued.

According to the administration's draft Environmental Impact Statement(EIS) on mountaintop removal coal mining, the environmental effects of mountaintop removal are widespread, devastating, and permanent. Yet the draft EIS proposes no restrictions on the size of valley fills that bury streams, no limits on the number of acres of forest that can be destroyed, no protections for imperiled wildlife, and no safeguards for the communities of people that depend on the region's natural resources for themselves and future generations.

The Bush administration's "preferred alternative" for addressing the problems caused by mountaintop removal coal mining is to weaken existing environmental protections. This "preferred alternative" ignores the administration's own studies detailing the devastation caused by mountaintop removal coal mining, including:

- over 1200 miles of streams have been damaged or destroyed by mountaintop removal;
- forest losses in West Virginia have the potential of directly impacting as many as 244 vertebrate wildlife species;
- Without new limits on mountaintop removal, an additional 350 square miles of mountains, streams, and forests will be flattened and destroyed by mountaintop removal mining.

In light of these facts, I urge you to consider alternatives that reduce the environmental impacts of mountaintop removal. Some other way to get valuable materials from the ground can be found, one that costs more in the short-term, perhaps, but preserves the beauty and value of natural places for our and future generations. Thank you for your consideration of this important issue.

Sincerely,

Amanda O'Shea
1732 Fowler Street, Apt. G
Fort Myers, FL 33901
USA

1-5

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:59 PM -----

"jim.ottaviani@umich.edu" To: R3 Mountaintop@EPA
<jim.ottaviani cc:
Subject: Please Stop Destructive Mountaintop

Removal Mining
01/06/2004 12:09
PM

Dear Mr. John Forren, Project Manager,

I strongly urge you to amend the EPA's draft environmental impact statement so as to limit the effects of harmful mountaintop removal mining. I find it unconscionable that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams and destroy communities.

1-9

The Bush administration must consider alternatives that reduce the environmental impacts of mountaintop removal and then implement measures to protect natural resources and communities in Appalachia, such as restrictions on the size of valley fills to reduce the destruction of streams, forests, wildlife and communities. I urge you to immediately amend the draft EIS accordingly.

1-7

Sincerely,

Jim Ottaviani
816 Hutchins Ave.
Ann Arbor, MI 48103
jim.ottaviani@umich.edu

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:52 PM -----

Judy Otto
<jbotto2003@yahoo.com>
To: R3
cc:
Subject: Fwd: failure
delivery 01/06/2004 10:23 PM

Dear Mr. Forren: Mountaintop mining is ruining Appalachia. It is devastating our natural heritage, destroying our potential for future economic growth in tourism, and depopulating our communities. In the last year, West Virginia has experienced four episodes of unprecedented, disastrous floods which have cost the people, insurers, the state and national government millions, if not billions, in short-term relief. As a conservationist who understands watersheds, I know, as does EPA, that these floods are a direct result of our failure to respect the laws of nature in our development. Mountaintop mining, while not the only cause of these floods, is the major cause. We are destroying our people, our livelihood, and our resources for an energy source that is now obsolete.

Any action by the government to facilitate mountaintop mining is a travesty of the trust people give to their government to act for their well-being. I fully support the comments of the Sierra Club on the current EIS.

Actions should be taken now to phase-out mountaintop mining as quickly as possible. There should be no action that will facilitate the expansion of this destructive means of extraction. Specifically, there should be no easing of the permitting process and no relaxation of current restrictions of mining adjacent to streams and other water sources.

Sincerely,
Judy Otto, P.O. Box 2124,
St. Albans, WV 25177
Phone 304-727-7463;
e-mail jbotto2003@yahoo.com

Jon Owens

<jonowens@earthlink.net> To: R3 Mountaintop@EPA
cc:
Subject: Mountaintop Mining
11/15/2003 09:12 PM

November 15, 2003

John Forren, Environmental Protection Agency
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren,

I am writing to request your opposition any changes that would weaken the laws and regulations regarding mountaintop mining and valley fills.

Keeping in mind the purpose and intent of the Environmental Protection Agency, please act to protect the environment.

Sincerely,

Jon Owens
508 Walton Ct.
Lemoyne, PA 17043-2021
USA
jonowens@earthlink.net

1-9

1-10

1-10

Aleta Pahl

14 Miller Road, Apt 203, Rhinebeck, NY 12572

845-876-5783

REC'D JAN 16 2004

January 13, 2004

John Forren
 US EPA (3EA30)
 1650 Arch Street
 Philadelphia, PA 19103
 Re: Mountain Top Mining
 Dear Forren:

I oppose the Bush administration plans to continue the devastating and permanent effects of mountaintop mining.

It has been shown over and over that this practice is the worst option you could choose and has no regard for the environments below the mining area.

What kind of precedence does this make, to overrule all scientific and humane advice in order to push through mining at any cost?

This has to be stopped.

Sincerely,



Aleta Pahl

1-9

----- Forwarded by David Rider/R3/USEPA/US on 01/09/2004 02:51 PM -----

Lori Parsley

<lori_parsley@hotmail.com> To: R3 Mountaintop@EPA

cc:

Subject: Comments on draft EIS on mountaintop removal mining

01/04/2004 01:50

PM

January 4, 2004

Mr. John Forren
 U.S. Environmental Protection Agency
 1650 Arch Street
 Philadelphia, PA 19103

Dear John Forren,

I have first-hand experience of mountaintop removal mining and its impact on communities, people, and the environment. I have been often to Martin County, KY to visit my family and have seen the devastation caused by this form of mining. This practice, and the entire history of mining in Appalachia, is an enormous human tragedy. Only people of humble circumstances and limited incomes are subjected to these types of destructive, greed-based tactics--in our country and around the world. If you are in a position to do something to stop it, it is in the long-term best interest of people and the land that you do. My heart is with the people and the land there. I really do not comprehend how humans can subject other humans to these types of practices, or how humans can subject the land that sustains and nourishes them to this type of abuse. Have you seen first-hand the impact of these practices? If so, I do not understand how you could even consider allowing it to continue. This type of mining is a tragically short-sighted solution to a long-term problem. It is really way past time to seek saner alternatives. I truly cannot urge you enough to understand the catastrophic loss caused by this form of mining. Please do all you can to stop it.

1-9

I am upset to learn that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams, and destroy communities.

According to the administration's draft Environmental Impact Statement(EIS) on mountaintop removal coal mining, the environmental effects of mountaintop removal are widespread, devastating, and permanent. Yet the draft EIS proposes no restrictions on the size of valley fills that bury streams, no limits on the number of acres of forest that can be destroyed, no protections for imperiled wildlife, and

no safeguards for the communities of people that depend on the region's natural resources for themselves and future generations.

The Bush administration's "preferred alternative" for addressing the problems caused by mountaintop removal coal mining is to weaken existing environmental protections. This "preferred alternative" ignores the administration's own studies detailing the devastation caused by mountaintop removal coal mining, including:

- over 1200 miles of streams have been damaged or destroyed by mountaintop removal;

- forest losses in West Virginia have the potential of directly impacting as many as 244 vertebrate wildlife species;

- Without new limits on mountaintop removal, an additional 350 square miles of mountains, streams, and forests will be flattened and destroyed by mountaintop removal mining.

In light of these facts, I urge you to consider alternatives that reduce the environmental impacts of mountaintop removal. Thank you for your consideration of this important issue.

Sincerely,

Lori Parsley
n/a
Columbus, OH
USA

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United States Army Corps of Engineers

Comments: Valley Fill Environmental Impact Statement

It appears that most of the Special Interest groups with a goal of banning/restricting Mountain Top Removal Mining or other types of surface mining are living in a world with blinders. It would be wonderful to have unlimited supplies of perfectly clean, non-environmentally impacting energy. I'm a major supporter. Unfortunately there is no free lunch. The energy supply of the United States has a foundation in mining whether it be coal or nuclear and it will be that way for I'm sure the remainder of my lifetime. The laws regulating these base industries have to both protect the environment in which we live and at the same time allow the extraction of the resources necessary to fuel our energy needs.

At the heart of all coal mining in the mountains of Kentucky, West Virginia, Virginia, and Tennessee is the requirement to place excess overburden (rock and dirt) in order to gain access to the resource. As noted, it is not waste. It is not metal laden sludge. It is the same rocks and dirt that are in our backyards. With a very few exceptions, it is not used to bury streams. The head-of-drainage areas used are dry except when there is significant rain. The drainages are not destroyed. They are relocated (to the sides of the fills) and eventually will look a lot like the original dry traces. And yes, during mining the mine and the associated fills are not scenic. But once the mine has been reclaimed the area is attractive and can be of significantly increased value to the community and the local economy. The EIS didn't completely address the reclaimed back to nature out come and it didn't highlight the short-term positives. It also didn't highlight the economic advantages of some of the alternate reclamation alternatives such as Stone

10-6-2

19-3-2

Crest, Twist Gun, and Raven Rock. None of these Golf Courses along with their positive impacts on the local communities would be there without Mountain Top Mining with their necessary hollow fills. The local airports and business development areas were not stressed either. There is no useable flat land remaining in the Mountains which means no industrial development or development for tourism.

10-3-5

If you stand on top of one of the high-points and look out across the mountains you don't see miles and miles of waste caused by mountain top mining, as is stress by the Special Interest groups. There are isolated mountains that have been lowered by one to three hundred feet and they have been or are being reclaimed. The EIS quantifies the number of acres that have been disturbed and it is a small percentage but a picture or map would be a much better visual reference. The Special Interest groups display a picture of a five-acre mess and that is what is used to characterize all of mountain top mining.

10-6-2

Don't just highlight the negatives. Highlight the positives also. The EIS is supposed to be an unbiased statement of the facts. When many of the studies quoted were completed by or funded by Special Interest groups, it is hard to determine where the EIS is an honest representation of the facts, both short term and long term.

Please recognize the positive impacts of mining with the same emphasis as the negative impacts are recognized. The energy future of the United States is at stake. The economic future of the region is at stake. The jobs of my neighbors are at stake.

Lynn Partington, PE
591 Potts Branch
Prestonsburg, KY 41653



----- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:42 PM -----

"mary.pasti@yale.
edu" <mary.pasti
cc: To: R3 Mountaintop@EPA
01/06/2004 01:18 Subject: Please Stop Destructive Mountaintop Removal
Mining PM

Dear Mr. John Forren, Project Manager,

Do we really allow mining by the removal of mountaintops? For shame. I understand that the destruction--of forests, streams, communities, not to mention mountains--is irreversible. Please, amend the EPA's draft environmental impact statement to limit the effects of mining by removing mountaintops and filling in valleys. In fact, why allow such mining at all?

1-9

Sincerely,

Mary Pasti
29 Philip St.
New Haven, CT 06515
mary.pasti@yale.edu

3122 Enfield Point
Marietta, GA 30068
12/31/2003

Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Sir or Madam:
Please consider these official comments regarding the draft Environmental Impact Statement (EIS) for mountaintop removal mining.

Government reports from the Fish & Wildlife Service and the EPA confirm mountaintop removal mining ruins wildlife habitat in Appalachia. More than 1200 miles of streams have been buried by millions of tons of waste rock and debris. Hundreds of square miles of forested mountains have been flattened by this extremely destructive mining practice. One hundred thousand acres of wildlife habitat have been destroyed. Communities are relocated.

As a supporter of the National Audubon Society, we are specifically concerned about the Cerulean Warbler. The warblers' key breeding area overlaps Appalachian coalfields. Their population has plummeted 70 percent since 1966. The draft EIS fails to fully assess the severe impacts on forest-dependent migratory birds, including Cerulean Warblers.

The draft EIS does not significantly improve the environmental protections for mountaintop removal mining. We urge you to make substantial changes before issuing a final EIS: include alternatives that minimize impacts to critical habitats; include mitigation of mining activities that do impact critical habitat; restrict the size of valley fills that bury streams; limit the number of acres of forest that can be destroyed; protect communities that depend on the region's natural resources.

Thank you for considering our comments.

Sincerely,

Cynthia Patterson

Cynthia Patterson

Peter J. Schrand
Peter J. Schrand

Copy: President G. W. Bush

REC'D JAN 20 2004

8-1-2

1-5

1-4-04

John Forren

US EPA (3EA30)

1650 Arch Street

Philadelphia PA 19103

Re: Draft EIS on coal mining

Dear Mr. Forren,

Your draft EIS about environmental destruction caused by mountaintop removal (and/or cross ridge mining) was full of data documenting all the destruction - miles and miles of headwaters forever destroyed & buried, and streams killed along with everything that used to live in them.

Why, then, does the report recommend allowing this to continue, or even accelerate? If you know you're causing such destruction, you should try to slow it down.

Please do not weaken existing environmental protections. If anything, they should be strengthened. We don't need that coal - conservation would be much more effective. But I'm sure you know that. Letting your friends make more money is not a good reason to destroy our life-giving water.

2513 Essex
Nashville TN 37212

Sincerely,
Leiter Patton

1-9

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REC'D JAN 27 2004

Jan. 16, 2004

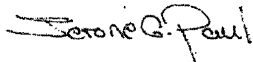
To whom it may concern,

It was distressing news to me to hear that the Bush administration had allowed the damaging practice of mountaintop removal mining. I understand that this environmentally destructive practice has destroyed or degraded over one thousand miles of headwater streams, many of which have been buried forever under huge piles of mining waste generated by blowing off the tops of mountains.

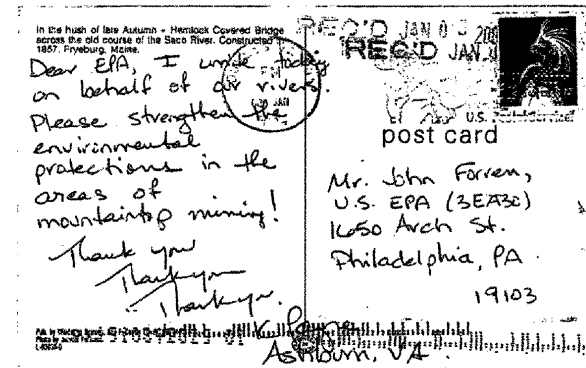
I hope that my one small voice will be joined by many others who oppose this mining practice. At this rate our country will be turned into an environmental wasteland. Please reconsider this harmful policy. Thanks for your attention in this matter.

Sincerely,

Jerone G. Paul



1-9



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REC'D AUG 27 2003

Ray Payne
836 Roderick Rd.
Knoxville, TN 37923-2469

August 16, 2003

Mr. John Forren, US EPA
1650 Arch Street
Philadelphia, PA 19130

Dear Mr. Forren:

Having been born and raised in West Virginia, I have spent 73 years in Appalachia (West Virginia, Virginia and east Tennessee) and I'm unalterably opposed to strip mining in the Appalachian Mountains. I have worked for a mining company (inside and outside) and have many relatives, past and present, who made their living working for coal companies. All strip mining in the Appalachian Mountains is deplorable and mountain-top-removal is the worst possible form of coal mining.

As you well know:

1. Mountaintop removal destroys streams and valleys.
2. It contaminates drinking water.
3. It causes flooding.
4. It makes moonscapes out of our Appalachian Mountains which are some of the oldest and most beautiful mountains in the world.
5. It causes blasting damage to nearby resident's homes and businesses.
6. It cause air pollution to nearby residential and business areas.
7. It destroys hardwood forests, wildlife habitat, Appalachian culture and heritage.
8. It defies the Executive Order regarding environmental justice for low income people.
9. It destroys jobs and is environmentally insane.

There is NOTHING good that can be said about mountain-top-removal coal mining. The Environmental Impact Statements prepared for these operations are a farce and this form of mining is a crime against the people and against nature.

I urge you to help stop this form of mining.

Sincerely,

Ray Payne
Ray Payne

REC'D JAN 05 2004

Mr. Forren and the Agency charged
with the Protection of our Environment:

Please use your mandate to
protect our environment and
strengthen the regulations around
mountain top mining.

Sincerely,
Karen Payne
15914 Short Hill Rd.
Pocahontas, VA
20132

1-10

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REC'D DEC 22 2003

Ray Payne
836 Roderick Rd.
Knoxville, TN 37923-2469

12-17-03

Mr. John Forren, US EPA (3ES30)
1650 Arch St.
Philadelphia, PA 19103

Dear Mr. Forren:

Except for 5 of my 73 years I have always lived in Appalachia. The 5 years were spent in the military service (3 years) and employment outside of Appalachia. Myself, my father, brother and many other close and distant relatives worked as hourly wage employees for the coal companies. We have never supported strip mining and most of us were strongly opposed to it, even though it created a few jobs in a region where unemployment was always a serious problem, except during the two World Wars.

Mountaintop removal mining is unquestionably the worst possible form of mining. It should be prohibited by law, especially here in the eastern part of the U.S. I'm requesting that you do everything legally possible to prohibit this form of mining.

1-9

Sincerely,



Ray Payne

Elizabeth Peelle
Date: 1/07/2004
City: Oak Ridge State: TN Zip: 37830

Your own draft EIS shows that the impacts of mountaintop removal coal mining are severe and irreversible. This practice has severe impacts upon the land and streams. The dual losses of ecological sustainability and economic viability are devastating for the people who depend upon these lands for their future. I also object to the proposed elimination of the 25-year old rule that bans mining impacts within 100 feet of streams. Here in the foothills of the Cumberlands in Tennessee, we fought for the passage and implementation of this rule to protect our streams from ruination and the TVA lakes from filling up with the spoil from improper mining. Why are you allowing this grave backward step? Please add my objections to your record of citizen reaction to this proposed acceleration of a misguided and dangerous permitting action.

Sincerely yours,
D Elizabeth Peelle
130 Oklahoma Ave.
Oak Ridge, TN 37830

DeliveredDate: 01/20/2004 01:26:08 PM

From: League of Women Voters of Kentucky
Suburban Park, Bldg.D, Suite 103
1009 Twilight Trail
Frankfort, KY 40601-8432

To: Mr. John Forren
U.S. Environmental Protection Agency (3ES30)
1650 Arch Street
Philadelphia, PA 19103
mountaintop.r3@epa.gov

Date: January 20, 2004

Re: Programmatic Draft Environmental Impact
Statement: EPA 9-03-R-00013

Dear Mr. Forren:

The intent of this letter is to express the concern of the League of Women Voters of Kentucky regarding proposed new regulations governing Mountaintop Mining and Valley Fills (MTM/VF).

The mining industry in Kentucky is a significant part of our economy and, as such, has always been treated with special care. Balancing the competing interests of the three major players - mining companies, the people, and the ecosystem - is an important function of a democratic government. It is with this in mind that I write in opposition to some of the proposed recommendations in the EIS report on MTM/VF.

I am sure you have received many comments citing scientific evidence of the harm associated with MTM/VF. Let me just say that the LWV of Kentucky feels strongly that the importance of this evidence appears not to have been given due weight during the development of the current proposals for new regulations. Within that context, please consider the following statements.

The LWV KY feels strongly that the adverse effects of mining on people and ecosystems should be reduced, not increased, as we fear would happen under the new recommendations. For example, we object to nation-wide permits, preferring instead that individual permits be required and tailored to specific locations. We object to changes that appear to lessen the influence of state governments and state and federal wildlife agencies in the permitting process. As an advocate for informed citizen participation in government, the League also respectfully requests that any new regulations strengthen, not diminish, the ease with which the public may participate in future actions regarding the regulation of mountaintop removal and valley fill methods of mining.

I hope these comments will factor into your deliberations regarding the draft Environmental Impact Statement and any new MTM/VF regulations to be developed in the future.

Respectfully yours,

Joan B. Peoples
President
859-986-9088 (h)
peoplesjc@iclub.org (h)

1-5

----- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:42 PM -----

"bojinx34@comcast
.net" <bojinx34

To: R3 Mountaintop@EPA

cc:
01/06/2004 01:42

Subject: Please Stop Destructive Mountaintop Removal

Mining

PM

Dear Mr. John Forren, Project Manager,

Do not allow coal interests to destroy Appalachia by allowing them to blow off mountain tops, destroy forests, streams and communities. We the citizens, can not keep up with the ways you are trying to destroy our environment in favor of corporate interests. AMEND THE DRAFT EIS ACCORDINGLY.

Dolores Perez

Dolores Perez
1050N. Farnsworth Ave. 407
Aurora, IL 60505
bojinx34@comcast.net

1-9

REC'D DEC 29 2003 12-17-03

Dear Mr. Forren,

I'm writing after reading about the devastation from mountain top removal mining operations in the Appalachian region.

Please, I urge you, to whatever you can to halt this practice, and not, certainly, to weaken the environmental protection already in place.

Thank you. Sincerely,
Candice C. Peters

Ms. Candice C. Peters

2835 41st St. Apt. B2
Astoria, NY 11103

1-9

----- Forwarded by David Rider/R3/USEPA/US on 01/09/2004 03:54 PM -----

ijpetersen@cbburn
et.com To: R3 Mountaintop@EPA
cc:
01/07/2004 05:06 Subject: Don't fill our streams with waste materials
PM

Dear Mr. John Forren EPA,

It is unconscionable that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests and bury streams in the valleys below. Mountaintop removal mining and valley fills should not be allowed and the laws and regulations that protect clean water must not be weakened. In particular, I oppose the proposal to change the stream buffer zone rule that prohibits mining activity within 100 feet of streams. This rule should be strictly enforced for valley fills and in all other cases.

Let's see if we, as a country can lessen our impact on America the Beautiful.???. Is it really that hard? Yes, I agree, sometimes these conservationist organizations go a little off the deep end. Case in point in my college days at Colorado College, one organization claimed responsibility for burning down the Two Elks Lodge at Vail Mountain in protest of the expansion of the already huge (but amazing in my opinion) Vail Ski Resort. Their claim was that the expansion was going to reduce the Canadian Lynx population. The expansion went ahead and created a great back country like area for skiers which likely reduces the number of out of bounds skier accidents from the unpredictable conditions. Seems to me this ends up saving human lives and guess how many Canadian Lynx were lost- none. There had been no Canadian Lynx in the area for a long time. Maybe that was because of the creation of the ski resorts in the first place, maybe not, I don't know.

Anyway, getting back to the point, three things come to mind. 1) Toyota and Honda have been able to produce efficient, fun and relatively sporty hybrid vehicles when it didn't really look possible a few short years back. 2)Denmark already gets ~20% of its energy from wind. 3)Right here in the Twin Cities, one of Cargill's engineers was able to find a way to make plastic and other everyday items, such as fabric fibers, from renewable resources instead of petroleum based resources. Type in www.cargilldow.com and let them tell you how.... Pretty cool, huh? Amazing what a little ingenuity can do.

Why can't our government do the same and change with the times on important issues like decapitating the beautiful mountains of Appalachia? Oh, yeah. Some one has to get re-elected. Too bad.

With a little more American ingenuity, we should be able to figure out a way to move away from coal and into wind. Can you imagine a prettier landscape than rows upon rows of crops with these huge, majestic and modern windmills rising above it all providing power for the surrounding areas? In effect this would help preserve our water supply while progressing towards a more beautiful tomorrow. Also, is it true that Mr. Bush is going to loosen pollution controls on the current coal plants?

(The following is what they wrote for me and I do agree with it). I'm disappointed and angry that the federal government ignored its own studies when it proposed weakening, rather than strengthening, protections for people and the environment. I do not support any of the three alternatives contained within the Environmental Impact Statement Report. All three options will make it easier for companies to destroy streams, endangering wildlife and nearby communities. So long from The Great White North.

Sincerely,

Ian Petersen
2690 Fox St
Wayzata, MN 55391-9339

| 1-9

| 1-10

| 1-5

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:52 PM -----

Denise Peterson
<cjc@eva.org>
cc: R3 Mountaintop@EPA
01/06/2004 11:59 PM
Subject: STOP MTR

Dear John Forren

I would like to voice my opinion in opposition to mountaintop removal. This practice along with filling valleys is devastating to the ecology of the local communities. People who's livelihood depend upon mountains are forced to leave their homes from the destruction that the dynamite and dust have left upon them. The mountains are literally blown apart... Studies show that the lush forests of southern West Virginia and eastern Kentucky are among the most biologically diverse temperate forests on Earth. We need to protect them... Coal mining has been the only livelihood for many of these families, and proud miners gave their lives to open the door for unionization in this country. Although the coal industry has long promised prosperity, the area remains one of the poorest in the nation. And now we aim to take even that away from these people and for what? So that the rest of us can turn on our lights and dishwashers and vcrs and computers without a thought??? Please protect the stream buffer zones. The Clean Water Act was created for a reason... every child deserves fresh water to drink... Think of the children living downstream from these valley fills... Their wells are contaminated and these towns don't have the money to invest in public water supply... We need to begin to teach people to conserve... To think before switching on the lights... To use the technology of the 21 century to help us harvest energy from renewable recourses... Help protect the mountains... their people and the environment! The studies are there... don't ignore them... especially not because of political pressure...

Sincerely,

denise peterson,
Abingdon, VA

Delivered Date: 01/15/2004 12:05:00 AM

And just what is wrong with the regular mining procedures? Do we need the coal that quickly, or is this another "Please the Big Boys" scheme. What an awful way to go about things.

Does this create more jobs? It certainly isn't benefiting the wildlife, natural resources, or the ancestral home of many people. How do we get the land back, when you are done with this method of mining? How do we sustain our natural resources, or restore them and the wildlife, while you're warming your butt by a nice fire? What's with you? This is certainly not representation of the people by the people, this is representation of the rich to get richer, by the rich. You knock most of us off, who ya gonna get to work for you? Illegal immigrants? Slave labor?

I am not necessarily a greenie, but I am for common sense, and there is none here. You give the miners cancer, and take away their homes. Nice going.

Sincerely,
Jan Peterson

1-9

1-9

DeliveredDate: 01/06/2004 04:11:27 PM

To: John Forren

I am the Conservation Chair of the Delmarva Ornithological Society. We wish to add our voice to the many you have heard from in regard to the Mountaintop Mining EIS. I heard a presentation given by Melinda Welton, and I was shocked to hear what has already been done, and might be allowable in the future. We in the Delmarva Ornithological Society are deeply concerned by the impact of mountaintop/valley fill mining on a wide variety of aquatic and terrestrial organisms. I reviewed the letter written to you by the American Bird Conservancy and I totally agree with the concerns they raised and points that they made. Critical research data, such as that relating to the impacts on the Cerulean Warbler, is being ignored. Because the current DEIS is so defective, it should immediately be withdrawn for revisions, public comment should be solicited, and permit issuance should cease. Thank you for your attention to this matter!

7-3-2

Susan L. Peterson, Ph.D., BCBA
Conservation Chair,
Delmarva Ornithological Society
226 West Park Place, Suite 1
Newark, DE 19711
302-368-2515

----- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:42 PM -----

"petrich@whidbey.
com" <petrich

To: R3 Mountaintop@EPA

cc:

01/06/2004 03:03

Subject: Please Stop Destructive Mountaintop

Removal Mining
PM

Dear Mr. John Forren, Project Manager,

Please amend the EPA's draft environmental impact statement so as to limit the effects of harmful mountaintop removal mining.

1-10

Sincerely,

Dean Petrich
2131 Middle Drive
Freeland, WA 98249-9516
petrich@whidbey.com

November 12, 2003

REC'D NOV 17 2003

1736 W. Montecito Way
San Diego, CA 92103Mr. John Forren
US EPA (3ES30)
1650 Arch Street
Philadelphia, PA 19130

Re: Environmental Impact Statement about Mountaintop Removal, especially in West Virginia

Dear Mr. Forren:

I wish to state my opposition to Mountaintop Removal. MTR destroys streams, contaminates drinking water, causes flooding, makes moonscapes out of beautiful mountains, damages peoples' homes, endangers their lives, and destroys forest and wildlife habitat.

It also destroys ancestral homes, including those of my ancestors. If this were happening to Mr. Bush's family home in Maine, we'd be seeing an immediate end to Mountain Top Removal!

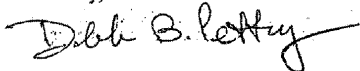
The EPA should be putting its efforts into supporting alternative energy sources that replace coal and oil. Instead, I am ashamed that our government is supporting hydrogen as an alternative, when in fact hydrogen generation will require additional coal and more Mountain Top Removal.

I ask the EPA to:

1. Put an end to Mountain Top Removal
2. Support the development of truly renewable alternative energy sources
3. Provide severe penalties for any violators of EPA policies affecting the mountains

These mountains are a precious part of our American environment and must be preserved.

Sincerely,



Deborah Brooks Pettry, Ph.D.

December 29, 2003

John Forren
U.S. EPA (3ES30)
1650 Arch Street
Philadelphia, PA 19103

REC'D JAN 05 2004

Dear Mr. Forren,

I am writing to you about the Environmental Impact Statement on mountaintop removal and valley fills and proposed rule changes that will make it easier for coal companies to destroy our land and communities. I live in the coalfields of Kentucky and I know the destruction and devastation that mountaintop removal mining is doing.

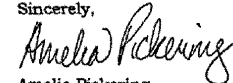
I do not support Alternatives #1, 2 or 3 contained within the EIS report. None of these options will protect our water or our communities. I am opposed to any changes that would weaken the laws and regulations that protect clean water. In particular, I oppose the proposal to change the stream buffer zone rule that prohibits mining activity within 100 feet of streams.

I welcome the scientific studies, such as this one, that document the widespread and irreversible damage the coal industry is doing to our state and region. I am shocked and alarmed that the federal government has ignored its own studies when it proposes weakening, rather than strengthening, protections for people and the environment.

I am angry that the report rejects, without meaningful consideration, specific restrictions on the use of valley fills. There is plenty of science and a strong legal case for taking a position that leveling mountains and burying streams is wrong and must stop. Mountaintop removal and valley fills as a way of mining has come about as a loophole in federal law and these practices should be outlawed completely.

This report is a shameful, dangerous gift from George Bush to the coal industry. It ignores the science and evidence about what mountaintop removal mining is doing and ignores the public's demand for clean water, a healthy environment and safe communities.

Sincerely,


Amelia Pickering
14 Church Street
Whitesburg, KY 41858

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Joseph F. & Helen D. Pickering
3931 Grove Avenue, Palo Alto, CA 94303

December 30, 2003

John Forren
U.S. EPA (3ES30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren:

Through family and friends who live in Kentucky we have become familiar with the environmental problems created by the coalmining industry in Appalachia. We have seen the effects of mountaintop removal and valley fills and we believe strongly that this blatantly destructive mining method be prohibited. We write to oppose the EPA's proposed rule changes to do away with a 25-year-old "buffer zone" rule that protects streams from the impacts of coal mining.

The Environmental Impact Study released in May documents the extensive damage done to the land, forests, water and ecosystems by mountaintop removal and valley fills. President Bush is ignoring the federal government's own studies when he proposes weakening, rather than strengthening, protection for people and the environment. Nor will any of the alternatives within the EIS report protect water or communities.

This report is a shameful, dangerous gift from George Bush to the coal industry. It should be rejected.



Joseph F. Pickering
Helen D. Pickering

cc: Senators Diane Feinstein, Barbara Boxer
Representative Anna Eshoo
President George Bush

REC'D JAN 5 2004

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----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 11:39 AM -----

delmarkatz
<delmarkatz@earth link.net> To: R3 Mountaintop@EPA
cc:
Subject: Mountaintop removal mining....please listen.
12/30/2003 06:16
PM

Dear Mr. Forren,

I strongly urge you to amend the EPA's draft environmental impact statement so as to limit the effects of harmful mountaintop removal mining. I find it

unconscionable that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams and destroy communities.

According to the draft EIS, the environmental effects of mountaintop removal are widespread, devastating and permanent. Yet the draft EIS proposes no

restrictions on the size of valley fills that bury streams, no limits on the number of acres of forest that can be destroyed, no protections for imperiled wildlife and no safeguards for the communities that depend on the region's natural resources for themselves and future generations. Instead, the Bush administration's "preferred alternative" for addressing the enormous problems caused by mountaintop removal mining ignores the administration's own studies and proposes weakening existing environmental protections and allowing mountaintop removal and associated valley fills to continue at an accelerated rate.

The Bush administration must consider alternatives that reduce the environmental impacts of mountaintop removal and then implement measures to

1-5

protect natural resources and communities in Appalachia, such as restrictions on the size of valley fills to reduce the destruction of streams, forests, wildlife and communities. I urge you to immediately amend the draft EIS accordingly.

Sincerely,
Joseph Anthony Presson
email-delmarkatz@sbcglobal.net

PS. Mr. Farren please do not think that although this is a form letter perhaps used by many, it none the less contains the concerns that many of us have.

do not take this to be a small voice of few people, it is the concern of all of us who live on this earth. Please do not mistake me for one of the tree

hugging activist who so often get in the news, my political views and choices cross over into both the democratic and republican arenas and I do believe

that the environment is more precious than any political dogma. Please do not let these words and the future of this beautiful land fall to the business's

and the greed that is blind to long term impacts and the future of America's most precious resources...the air we breathe and the land we live on.
thank you, Joseph.

1-5

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch St.
Philadelphia, PA 19103

I am opposed to mountaintop-removal mining and valley fills. These practices bury important headwater streams, destroy biologically rich forest ecosystems, damage drinking-water sources used by millions of people, cause frequent and severe flooding, and wreck the quality of life in Appalachian communities. Leveling mountains and burying streams is wrong and must stop.

1-9

I welcome scientific studies that document the widespread and irreversible damage the coal industry is doing to Appalachia. Yet this EIS rejects—without meaningful consideration—specific restrictions on the use of valley fills. These restrictions could be based on size of the fill, cumulative impacts, types of streams affected, or value of the aquatic resources in the region.

1-7

I am opposed to any changes that would weaken the laws and regulations that protect clean water. In particular, I oppose the proposal to eliminate the stream buffer-zone rule that prohibits mining activity within 100 feet of streams. [Alternatives 1 and 3 would eliminate the rule, while Alternative 3 would "clarify" it by saying that it does not apply to valley fills.] This rule should be strictly enforced for valley fills and in all other cases.

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I do not support Alternative 1, 2, or 3 as described in the EIS report. None of these options will protect Appalachian forests, water, or communities.

1-5

As a lifelong resident of these beloved West Virginia mountains, I beseech the EPA to examine the devastation this mining method has caused to our land and to the lives of our people. The EPA is charged with protection of people and the environment, but this study ignores that charge – for such protections are absent from this study. No one can possibly benefit from any of the recommendations except the coal industry.

Please put an end to this madness. Stop mountaintop removal.

Sincerely,

Andrew C. Price

3-3

DEC 18 2003

Donna Price 137 Fulton Bottom Road Dorothy, WV 26060

December 10, 2003

REC'D

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch St.
Philadelphia, PA 19103

Mr. Forren,

I write to ask the U. S. Environmental Protection Agency to acknowledge the environmental, social and economic devastation that mountaintop removal mining has already caused in Central Appalachia, and to put an end to this irresponsible form of coal mining.

The Environmental Impact Study concedes that mountaintop removal mining is harmful to the environment, that it contributes to disastrous flooding that routinely endanger lives and property, and that it can contribute to the degradation of natural wetlands and wildlife habitat in the region.

Yet the study offers no solutions to these harmful impacts. Instead, it proposes to improve communications between regulatory agencies in order to expedite the permitting process, while offering no meaningful protection for the land and people. Its recommendations are a mechanism, devised by the Bush administration and dictated to the EPA, that allows corporations to continue to profit from this destructive mining method while remaining indifferent to the people of Appalachia and their deep connection to the land.

The people who live in these mountains and river valleys, descendants of many generations of Appalachians, know this land to be the lifeblood of a unique culture, rich in history, tradition and knowledge, and deserving of protection. We long to preserve our heritage for future generations, but this heritage is being destroyed.

Our quality of life and our hope for a sustainable economic future for our people is literally being blasted away and buried under massive valley fills. Along with the mountains and river valleys, the culture of an entire region is being sacrificed forever to provide a source of energy that is, at best, temporary - for coal is a finite resource.

Please stop this irresponsible destruction. Stop mountaintop removal.

Sincerely,

Donna Price
Donna Price

November 29, 2003

REC'D DEC 03 2003

Mr. John Forren, US EPA (3ES30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren:

It is so disappointing to read that the Federal agencies and agencies within the State of West Virginia are using the NEPA process to justify what they have already planned on doing. I am disappointed that this will be done regardless of the irreparable damage it will do to the environment for us and future generations.

Your plans numbers #1-4:

1. Keep doing what presently doing
2. Let Corps of Engineers decide the size and valley fills
3. Permit application go to the COE & State of DEP to decide the size and location.
4. State would lead the decision.

What happened to "just do nothing"? What happened to not doing something destructive? Do no mountain top removal at all. EPA, COE and State W.Va DEP have made a sad mockery of the NEPA process. Clean Water Act (CWA) means zero discharge of pollution.

In an endeavor to circumvent the CWA which states zero discharge of pollution into our country's water. Not only are you capriciously circumventing the law; you are destroying the very stream beds created along with habitats for various flora and fauna. The out and out destruction of entire streambeds and reconfiguring of the landscape is blasphemous to say the least. It is arrogant. As the human species we are supposed to be stewards of the lands of this country for future generations. There is no stewardship in what you are proposing. Future generations will be denied the beauty of what the mountainous state of W. Virginia has to offer. Not only the visual beauty; but the beauty of all the flora and fauna that will be destroyed.

I have been appalled in the past by the destruction of entire rivers by acid runoff -- but I have to say this is the most arrogant piece of destruction I have ever personally seen. As a longtime hiker who has traveled along many of the ridges in the State, I have seen the disappearance of ridgelines and mountains in areas where they are doing this kind of mining.

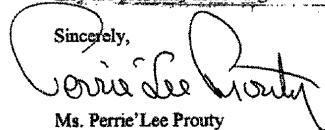
With all the knowledge there is on the effects of logging, roads and the runoff that occurs as a result. I am appalled that as State agencies that you would allow these fills to jeopardize the lives of those unfortunate citizens living downstream of the valleys.

When you destroy stream valleys, you are destroying our water resources. I am a frequent visitor to W.Va. I use the beautiful rivers, and forests. I am also a resident downstream of many of the watersheds of W.Va. that are being damaged through this mountaintop removal & mining. This destruction will not only the State of West Virginia, it will have an effect on my water.

I am, as a citizen, a stakeholder in this country asking that these agencies adhere to the law, as it exists; stop trying to circumvent it. I am also asking that the environment be better respected through better conservation, not consumed at the risk to me and the future generations of my family.

I am not pleased with what the present agencies are doing and demand a change in the course that they are presently following.

Sincerely,



Ms. Perrie'Lee Prouty
5213 Norbeck Rd.
Rockville, MD 20853

----- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:32 PM -----

"smquinlan@yahoo.
com" <smquinlan

To: R3 Mountaintop@EPA

cc:

01/06/2004 02:45
Removal Mining
PM

Subject: Please Stop Destructive Mountaintop

Dear Mr. John Forren, Project Manager,

I strongly urge you to amend the EPA's draft environmental impact statement so as to limit the effects of harmful mountaintop removal mining. I urge you to immediately amend the draft EIS to include restrictions on the size of valley fills that bury streams, limits on the number of acres of forest that can be destroyed, protections for imperiled wildlife and safeguards for the communities that depend on the region's natural resources.

1-5

Sincerely,

Sean Quinlan
155 Haight St. 211
San Francisco, CA 94102
smquinlan@yahoo.com

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:59 PM -----

"rafal@fas.harvard.edu" <rafal

To: R3 Mountaintop@EPA

cc:

01/06/2004 03:45

Subject: Please Stop Destructive Mountaintop

Removal Mining
PM

01/06/04

Teresa Rafi

Dear Mr. John Forren, Project Manager,

I strongly urge you to amend the EPA's draft environmental impact statement so as to limit the effects of harmful mountaintop removal mining. I find it unconscionable that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams and destroy communities.

I find it hard to believe that this practice has actually happened in the past and more than once. It's so ludicrous, so incredibly destructive, I can't believe people want to do more of it. Please help straighten out priorities.

Sincerely,

Christine Rafal
122 Heath St
Somerville, MA 02145
rafal@fas.harvard.edu

I am writing to comment on the Draft EIS regarding the practice of mountaintop removal in surface mining operations in WV, VA, TN, and KY. As a general comment on the practice, mountaintop removal and adjacent valley filling is barbaric, and it is incredible to believe it is allowed to happen in this country and in this day because it is simply an easier and cheaper method of removing coal. Part of the EPA's responsibilities under the listed 'Alternatives' would be to "develop and propose, as appropriate, criteria for additional chemicals or other parameters (e.g., biological indicators) that would support a modification of existing state water quality standards." In doing so, I encourage the EPA NOT to allow any of the States in question (VA, KY, TN, WV) to use this provision as a vehicle for RELAXING ESTABLISHED WATER QUALITY CRITERIA, which would ultimately allow or surface mining companies to continue their activities without mitigating the impacts of their actions. Please remember that the EPA was established for the protection of the environment and public safety. It is not the job of the EPA to ensure economic development. If mining companies cannot conduct their operations in such a way that ensures water quality criteria are met, then they should not conduct those activities, or they should curtail those activities to a scope and a scale within which they can ensure they are not adversely impacting water quality. Please do not disregard the findings of the EIS.

Mountaintop removal and valley filling is egregiously damaging to natural resources; the effects are widespread, devastating, and permanent. It is not a practice that an "enlightened" nation such as we purport to be should abide. The preferred alternative in this case should be to halt all further permitting of mountaintop removal/valley fill operations and to ensure that existing operations adhere to the conditions of their permits.

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5-3-3

REC'D JUL 29 2003

July 23, 2003
Harpers Ferry

US EPA

Dear Mr. John Forren,

Please do whatever you can to help protect our mountains from "mountaintop removal." As you know, it is not only an ecological disaster, but it is immoral.

9-2-2

At the very least, please urge more investigation in the practice.

Yours truly,

Linda Rago

PO Box 577

Harpers Ferry WV

25425

P.S. I am an old lady who has served on Town Council as an elected official for 25 years. My family first came to West Virginia (western Virginia) in 1753.

Mr. John Forren, US EPA
1650 Arch Street
Philadelphia, PA 19130

REC'D AUG 20 2003

August 16, 2003

Comments on the Environmental Impact Study(EIS) on Mountain Top Removal

Dear Mr. Forren,

Few of us are given the opportunity to make a lasting difference in the lives of many generations. It is incumbent upon you to look long and hard at the impact of "mountain top removal" on the lands and people of West Virginia and to reject the recommendations to speed up the process of mountain top removal.

The EIS confirms the empirical data that led to the conclusions of coalfield residents and environmental groups that mountaintop removal / valley fill coal mining is irreversibly and substantially harming the forests and streams of Southern West Virginia and Eastern Kentucky. But the recommendations in the EIS Statement are a sham in that they ignore the scientific evidence and recommend speeding up the process in permitting mountain top removal. That must not be permitted!

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What if no one had had the foresight to create our national parks? Our national sea shores? We'd all be far, far poorer for their loss. Though it may be hard to see the value now, generations from now these beautiful forests and mountains in West Virginia will be a national treasure—as resorts and for the incredible beauty God gave them. Throughout central Appalachia, some of the most productive and diverse temperate hardwood forests in the world have been destroyed when coal companies blast off hundreds of feet of mountaintops to get to thin seams of coal. In most circumstances, the former lush forests will remain degraded as grassy, unproductive scrub land for at least several centuries. This is incredibly wasteful and short-sighted.

7-5-2

Just as bad, millions of tons of rubble from the former mountains are pushed into the adjacent valleys. Coal companies have already buried hundreds of miles of Appalachian streams, destroying not only the streams themselves, but creating disastrous impacts to downstream waterways and towns. All over the world, water supplies are emerging as a key resource as the world population grows. It is insane to deliberately destroy clear waters and their valley headwaters.

5-7-2

5-1-2

And, as the residents point out, mountaintop removal is also devastating the culture and communities of the region. Those communities are part of our National heritage too.

10-2-2

Mary D. Ramsay
Rev. Mary Donelle Ramsay
1168 Main St. #B9
Stratford Ct 06615
203 375-8633

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 11:30 AM -----

Jan Randall
<jrandall@sfsu.edu>
To: R3 Mountaintop@EPA
cc:
Subject: for hearing on mountain mining
12/30/2003 04:06
PM

I urge you to amend the draft EIS accordingly.

Sincerely,

Dr. Jan A. Randall, Professor
Department of Biology
San Francisco State University

Please read attached letter about mountaintop mining.

Dr. Jan Randall
Professor of Biology
San Francisco State University
San Francisco, CA 94132(See attached file: Forren EPA.doc)

Mr. John Forren
Project Manager
U.S. Environmental Protection Agency (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren:

I strongly urge you to amend the EPA's draft environmental impact statement to limit the harmful effects of mountaintop removal mining. As a biologist, I find the Bush Administration policy that whole mountain tops can be removed to result in the destruction of forests and streams a totally unacceptable practice. The environmental damage for a short term financial gain by coal companies should not be allowed.

This opinion is not mine alone. According to the draft Environmental Impact Statement (EIS), the environmental effects of mountaintop removal are widespread, devastating and permanent. Yet the draft EIS proposes no restrictions on the size of valley fills that bury streams, no limits on the number of acres of forest that can be destroyed, no protections for imperiled wildlife and no safeguards for the communities that depend on the region's natural resources for themselves and future generations. Instead, the Bush administration's "preferred alternative" for addressing the enormous problems caused by mountaintop removal mining ignores the administration's own studies and proposes weakening existing environmental protections and allowing mountaintop removal and associated valley fills to continue at an accelerated rate.

At the very least, I urge the Bush administration to consider alternatives that reduce the environmental impacts of mountaintop removal and then implement measures to protect natural resources and communities in Appalachia, such as restrictions on the size of valley fills to reduce the destruction of streams, forests, wildlife and communities.

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----- Forwarded by John Forren/R3/USEPA/US on 01/05/2004 01:50 PM -----
"Kevin M. Randall" To: John Forren/R3/USEPA/US@EPA, president@whitehouse.gov, <kmr@northwestern.vice.president@whitehouse.gov, dick@durbin.senate.gov, R3 Mountaintop@EPA .edu> cc: Subject: EIS on mountaintop removal coal mining 01/05/2004 12:56 PM

I find it appalling that the Bush administration is recommending a weakening of the restrictions on mountaintop removal coal mining, the exact opposite of the goal of the EIS on mountaintop removal. Reports show that the damage caused by such mining is immense and for the most part irreversible. The small economic impact that would be caused by *strengthening* the restrictions is nothing compared to the damage to the ecosystem and the communities that is caused by the mining.

I implore the Bush administration to seek, AND IMPLEMENT, alternatives that will actually strengthen restrictions on mountaintop removal coal mining

and that will protect the earth's natural resources and the human and animal communities.

Kevin M. Randall
2554 W. Fitch Ave., Apt. 3E
Chicago, IL 60645

1-10

1-7

- Forwarded by David Rider/R3/USEPA/US on 01/20/2004 09:08 AM -----
mrauen
<mrauen@breconet.com> To: R3 Mountaintop@EPA
cc: Subject: Re: Help Limit Mountaintop Coal Removal Mining
01/19/2004 09:57 PM

I think there should be the strongest regulations to prevent the destruction of the mountains and the filling and pollution of their streams.

1-10

"Sowing My Community Back"

By Fr. John S. Rausch

Lucius Thompson lives about 1,000 feet from the blasting site at the head of Little Tom Biggs hollow in McRoberts, Kentucky. The mining company doing mountaintop removal, a practice that decapitates mountains in Appalachia to expose a coal seam and lucratively extract the coal, sometimes uses a supercharge of dynamite to loosen the rock to get the coal. The section Lucius added to his trailer actually separated from the main structure with the tremors. When it rains, he puts buckets throughout his house to catch the drips from the cracks caused by the blasting.

16-1-5

But no damage compares to the fright he got a year ago. Three of his children, the oldest 7 years of age, were playing in front of the house. A downpour came, so the kids went inside. A moment later a torrent of water rushed down from the strip site flushing debris and mud from the hillside with a force so powerful that any child or elderly person could easily have been swept away.

17-2-5

Mountaintop removal, like advanced production techniques in other industries, illustrates some ethical principles lost in the quest for efficiency and profit. The church teaches that rights come with responsibilities. The coal company has a right to its coal, but it must mine it responsibly.

In 1977 the Surface Mining Control and Reclamation Act sought to prevent water contamination and blast damage to homes. A quarter century ago strip mine technology allowed removing coal veins only near the surface and mined land had to be restored to its original use and contour. One small exemption in SMCRA allowed for leveling of mountains and filling of

stream beds if that procedure readied a site for development. The loophole became big enough to drive a 20-story high shovel through. Today, advanced technology using powerful dynamite charges, monster shovels and huge trucks hauling 80 tons sometimes level down mountains 500 feet, dumping millions of tons of top soil and rock into the river beds in the adjacent valleys. With mountaintop removal rural communities face possible floods, dry wells, polluted streams, cracked walls and foundations, and surroundings of constant dust and noise pollution.

10-4-2

"If you don't live the life, you don't know what it's about," laments Lucius.

The companies claim they operate within the law and only God can send rains causing floods. Besides in rural areas with little economic opportunity, they argue, communities need jobs. In 1979 strip mining employed 17,181 in Kentucky, but by 2000 the figure dropped to 4,612, while production fell only one-fourth. A job in strip mining represents a temporary human activity till advanced technology replaces it. Meanwhile, alternative jobs in tourism and other industries stand in jeopardy.

11-1-5

Recognizing the principle of care of creation links naturally with the principle regarding rights and responsibilities, John Paul II proclaims the right to a safe environment must eventually be included in an updated U.N. Charter of Human Rights. "Respect for life and for the dignity of the human person extends also to the rest of creation."

On December 10, 2002, International Human Rights Day, 60 people ascended a mountain to a strip site overlooking McRoberts. They came to pray. McRoberts had not experienced a serious flood since 1957, but in the last 18 months they faced 5. Prayers rose to change hearts and open eyes. At the conclusion, Catherine Oden, a McRoberts' senior citizen, walked among the rock and dirt, and with a symbolic gesture of hope and determination she scattered a handful of wildflower seed saying, "I'm sowing my community back."

lisa_rayburn@hotmail.com
ail.com To: R3 Mountaintop@EPA
cc:
01/05/2004 08:24 Subject: Comments on Draft programmatic Environmental
Impact Statement on mountaintop removal coal mining
AM

Environmental Protection Agency Environmental Impact Statement

Dear Environmental Protection Agency Environmental Impact Statement,

Having lived in and loved West Virginia for over twelve years, I have seen and studied the impacts of mountain top removal mining first hand. I urge the Bush administration to do everything in its powers to increase the oversight of mountain top removal mining practices and to reduce the size and number of new mountain top removal sites. This mining practice has devastating long-term impacts to local ecologies, communities and economies.

Sincerely,

Lisa Rayburn
176 Chapel Street
Spruce Pine, North Carolina 28777

1-8

January 16, 2004

REC'D JAN 20 2004

Mr. John Forren
US EPA (3EA30)
1650 Arch St.
Philadelphia PA 19103

Dear Mr. Forren

Right now we have an unmanned NASA rover on Mars. What an accomplishment. Think of all the mental know how and technology that went into this venture. We will be getting pictures back from Mars for the next 2 to 3 months. Think of all the money that went into this venture. There may be some who are concerned and angry about the cost, but most Americans are probably excited and are not really concerned about the price tag.

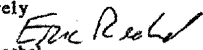
Right now Coal companies are blowing off mountain tops in Appalachia in their search for coal. This waste rubble is pushed off to fill in surrounding valleys and bury hundreds of miles of streams. What devastation. Think of all harm this does to the environment. Don't we have any mental know how to stop this or at least reduce the impact of this waste of our land? Don't we have any technology that would allow the coal companies to still extract coal and let the streams run free? Isn't there an option of limiting valley fills to 35 acres in size? Would the cost increase imposed on the size of valley fills of \$1 a ton make the American people angry? I don't think so. I want you to seriously consider a size limit on valley fills. The increase in the price of coal is insignificant. I want you to strengthen environmental protections that apply to mountain top removal. I am against the preferred alternative which will weaken laws that limit the size and location of valley fills.

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Of all the things future generations may inherit a living planet is the one they will treasure most. Let us, let you the U.S. government, start today in enacting laws that will leave a living planet for our kids. Please start now, in the Appalachians, supporting and enacting laws that will leave for all of us living forests and streams.

Sincerely


Eric Rechel
2890 Seely Rd.
Grand Junction CO 81503

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:52 PM -----

Patricia Reed

<pwreed999@att.net> To: R3 Mountaintop@EPA

Subject: Comments on draft EIS on mountaintop removal

01/02/2004 10:59 PM

mining

January 2, 2004

Mr. John Forren
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

Dear John Forren,

I am upset to learn that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams, and destroy communities. This issue is of extreme importance to me, as it is to all who live on this planet, whether they choose to ignore it or speak out about it. President Bush is seeking re-election, but how can I possibly support, in good conscience, anyone who would rob our children and their children and all the other creatures who reside on this planet of what's left of the earth that we now enjoy? To allow mountaintop removal mining to continue, and not only that, but to also make it easier for coal mining companies to get permits for this is just the latest example of Mr. Bush consistently showing a very serious lack of concern or appreciation for our home, the only place in the universe we have to live. I may be but one small person, but I cannot and will not consciously offer my support to a person who shows such blatant disregard for our precious Earth. To me, as a citizen of this country and of this planet, the issue of our environment is of utmost importance, because as humans, we live and die, but our earth will need to go on so that our children can have a home. We do not occupy this planet alone - we have animals and plants and all sorts of other species to consider - most of them were here long before we were. We do not have the right to harm them, especially not to the point of extinction, which is what will ultimately happen as long as Mr. Bush and others like him are more concerned with things less important than the future of this planet. People tend to put the issue of our environment on the back burner so they can deal with the more immediate issues at hand, but then they forget about the pot that's boiling over in the back. The issue of our environment needs to be dealt with NOW. Our environmental situation can no longer be ignored. Laws should be made right now that protect our planet, but instead, the lawmakers are looking for ways to exploit what resources we have left.

1-9

According to the administration's draft Environmental Impact Statement (EIS) on mountaintop removal coal mining, the environmental effects of mountaintop removal are widespread, devastating, and permanent. Yet the draft EIS proposes no restrictions on the size of valley fills that bury streams, no limits on the number of acres of forest that can be destroyed, no protections for imperiled wildlife, and no safeguards for the communities of people that depend on the region's natural resources for themselves and future generations.

The Bush administration's "preferred alternative" for addressing the problems caused by mountaintop removal coal mining is to weaken existing environmental protections. This "preferred alternative" ignores the administration's own studies detailing the devastation caused by mountaintop removal coal mining, including:

- over 1200 miles of streams have been damaged or destroyed by mountaintop removal;

- forest losses in West Virginia have the potential of directly impacting as many as 244 vertebrate wildlife species;

- Without new limits on mountaintop removal, an additional 350 square miles of mountains, streams, and forests will be flattened and destroyed by mountaintop removal mining.

How can the Bush administration endorse or approve of this, considering what their own studies have found? They know the damage it will cause, yet they want to make it easier for companies to do this? Do they have brains in their heads? Or does it all come down to money, as it always does with President Bush? Well, there won't be any money left once all the planet's resources are gone. There won't be anything left.

In light of these facts, I urge you to consider alternatives that reduce the environmental impacts of mountaintop removal. Find another way. Stop hurting our home. You should all be looking for ways to protect our resources instead of finding more ways to ravage our planet and destroy all of us who live here.

Thank you for your consideration of this important issue.

Sincerely,

Patricia Reed
1 Vermilyea Street
Pleasantville, NY 10570
USA

1-5